

## STUDENT RECORDS

The Governing Board of ~~Education~~ recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, description and security of student records, ~~as well as timely~~ These regulations shall ensure the rights of authorized persons. ~~parental rights have timely access to review, inspect and copy student records and shall protect student's the student and their~~ family ies from invasion of privacy.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

### Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

### Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

## STUDENT RECORDS (continued)

### Legal Reference:

#### EDUCATION CODE

##### 17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts ~~of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold~~

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 ~~Pupil~~ Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

#### BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

#### PENAL CODE

245 Assault with deadly weapon

#### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

#### CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school districts

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

#### UNITED STATES CODE, TITLE 26

152 Definition of dependent child

#### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

#### CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~300.500 Definition of "personally identifiable"~~

300.501 Opportunity to examine records for parents of student with disability

~~300.573 Destruction of information~~

**STUDENT RECORDS (continued)**

*Legal Reference:*

**COURT DECISIONS**

*Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)*

*Management Resources:*

**FEDERAL REGISTER**

*Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855*

**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

*Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014*

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

*Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008*  
*Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007*

**WEB SITES**

*California Department of Education: <http://www.cde.ca.gov>*

*National School Boards Association: <http://www.nsba.org>*

*U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpc>*

Policy  
adopted: December 8, 2008 (Reviewed April 5, 2010)  
reviewed: August 13, 2012

**SAN RAFAEL CITY SCHOOL DISTRICT**

San Rafael, California