

**Policy 5125: Student Records**

**Adopted Date: 12/13/2023**

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

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 employee shall be designated 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)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

**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.

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">Student Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Code of Civil Procedure 1985.3	<a href="#">Subpoena duces tecum</a>
Ed. Code 17604	<a href="#">Delegation of powers to agents</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48853.5	<a href="#">Foster youth; placement, immunizations</a>
Ed. Code 48902	<a href="#">Notification of law enforcement of specified violations</a>
Ed. Code 48904-48904.3	<a href="#">Withholding grades, diplomas, or transcripts</a>
Ed. Code 48918	<a href="#">Rules governing expulsion procedures</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49091.14	<a href="#">Parental review of curriculum</a>
Ed. Code 51745	<a href="#">Independent study</a>
Ed. Code 56041.5	<a href="#">Rights of students with disabilities</a>
Ed. Code 56050	<a href="#">Surrogate parents</a>
Ed. Code 56055	<a href="#">Foster parents</a>
Ed. Code 69432.9	<a href="#">Cal Grant program; notification of grade point average</a>

Fam. Code 3025	<a href="#">Access to records by noncustodial parents</a>
Fam. Code 6552	<a href="#">Caregiver's authorization affidavit</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
H&S Code 120440	<a href="#">Immunizations; disclosure of information</a>
Pen. Code 245	<a href="#">Assault with deadly weapon</a>
W&I Code 16010	<a href="#">Health and education records of a minor</a>
W&I Code 681	Truancy petitions
W&I Code 701	<a href="#">Juvenile court law</a>
<b>Federal</b>	<b>Description</b>
16 CFR Part 312	Children's Online Privacy Protection Rule
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
26 USC 152	Definition of dependent child
34 CFR 300.501	Opportunity to examine records for parents of student with disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions
<b>Management Resources</b>	<b>Description</b>
CA Office of the Attorney General Publication	<a href="#">Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018</a>
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
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 Publication	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 Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
U.S. Department of Education Publication	IDEA and FERPA Confidentiality Provisions, 2014
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National School Boards Association</a>

Website	<a href="#">U.S. Department of Education, Family Policy Compliance Office</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

<b>Code</b>	<b>Description</b>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</a>
1100	<a href="#">Communication With The Public</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3250	<a href="#">Transportation Fees</a>
3250	<a href="#">Transportation Fees</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3312	<a href="#">Contracts</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3553	<a href="#">Free And Reduced Price Meals</a>

3553	<a href="#">Free And Reduced Price Meals</a>
3555	<a href="#">Nutrition Program Compliance</a>
3555-E(1)	<a href="#">Nutrition Program Compliance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4113.5	<a href="#">Working Remotely</a>
4117.7	<a href="#">Employment Status Reports</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4213.5	<a href="#">Working Remotely</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E(1)	<a href="#">Professional Standards</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4313.5	<a href="#">Working Remotely</a>
4317.7	<a href="#">Employment Status Reports</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E(1)	<a href="#">Professional Standards</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5021	<a href="#">Noncustodial Parents</a>
5022	<a href="#">Student And Family Privacy Rights</a>
5022	<a href="#">Student And Family Privacy Rights</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>

5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5111.2	<a href="#">Nonresident Foreign Students</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.2	<a href="#">Exclusions From Attendance</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.12	<a href="#">District School Attendance Review Board</a>
5113.12	<a href="#">District School Attendance Review Board</a>
5113.2	<a href="#">Work Permits</a>
5113.2	<a href="#">Work Permits</a>
5119	<a href="#">Students Expelled From Other Districts</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5123	<a href="#">Promotion/Acceleration/Retention</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1-E(1)	<a href="#">Release Of Directory Information</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5125.3	<a href="#">Challenging Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5131.1	<a href="#">Bus Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.61	<a href="#">Drug Testing</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>

5141.21	<a href="#"><u>Administering Medication And Monitoring Health Conditions</u></a>
5141.22	<a href="#"><u>Infectious Diseases</u></a>
5141.22	<a href="#"><u>Infectious Diseases</u></a>
5141.23	<a href="#"><u>Asthma Management</u></a>
5141.23	<a href="#"><u>Asthma Management</u></a>
5141.24	<a href="#"><u>Specialized Health Care Services</u></a>
5141.26	<a href="#"><u>Tuberculosis Testing</u></a>
5141.27	<a href="#"><u>Food Allergies/Special Dietary Needs</u></a>
5141.27	<a href="#"><u>Food Allergies/Special Dietary Needs</u></a>
5141.3	<a href="#"><u>Health Examinations</u></a>
5141.3	<a href="#"><u>Health Examinations</u></a>
5141.31	<a href="#"><u>Immunizations</u></a>
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5141.33	<a href="#"><u>Head Lice</u></a>
5141.52	<a href="#"><u>Suicide Prevention</u></a>
5141.52	<a href="#"><u>Suicide Prevention</u></a>
5141.6	<a href="#"><u>School Health Services</u></a>
5141.6	<a href="#"><u>School Health Services</u></a>
5142.1	<a href="#"><u>Identification And Reporting Of Missing Children</u></a>
5144	<a href="#"><u>Discipline</u></a>
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5144.4	<a href="#"><u>Required Parental Attendance</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
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5145.13	<a href="#"><u>Response To Immigration Enforcement</u></a>
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5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
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5145.7	<a href="#">Sexual Harassment</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6142.7	<a href="#">Physical Education And Activity</a>
6142.7	<a href="#">Physical Education And Activity</a>
6143	<a href="#">Courses Of Study</a>
6143	<a href="#">Courses Of Study</a>
6145.2	<a href="#">Athletic Competition</a>
6145.2	<a href="#">Athletic Competition</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
6146.11	<a href="#">Alternative Credits Toward Graduation</a>
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6146.2	<a href="#">Certificate Of Proficiency/High School Equivalency</a>
6146.2-E(1)	<a href="#">Certificate Of Proficiency/High School Equivalency</a>
6158	<a href="#">Independent Study</a>
6158	<a href="#">Independent Study</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6159.1	<a href="#">Procedural Safeguards And Complaints For Special Education</a>
6159.1	<a href="#">Procedural Safeguards And Complaints For Special Education</a>
6159.2	<a href="#">Nonpublic, Nonsectarian School And Agency Services For Special Education</a>
6159.2	<a href="#">Nonpublic, Nonsectarian School And Agency Services For Special Education</a>
6159.3	<a href="#">Appointment Of Surrogate Parent For Special Education Students</a>
6159.3	<a href="#">Appointment Of Surrogate Parent For Special Education Students</a>

6162.5	<a href="#">Student Assessment</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
6162.51	<a href="#">State Academic Achievement Tests</a>
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6162.8	<a href="#">Research</a>
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6163.4-E(1)	<a href="#">Student Use Of Technology</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6172.1	<a href="#">Concurrent Enrollment In College Classes</a>
6172.1	<a href="#">Concurrent Enrollment In College Classes</a>
6173	<a href="#">Education For Homeless Children</a>
6173	<a href="#">Education For Homeless Children</a>
6173-E(1)	<a href="#">Education For Homeless Children</a>
6173-E(2)	<a href="#">Education For Homeless Children</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.3	<a href="#">Education For Juvenile Court School Students</a>
6175	<a href="#">Migrant Education Program</a>
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6178.1	<a href="#">Work-Based Learning</a>
6178.1	<a href="#">Work-Based Learning</a>
9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>