

Student Records (SSDA 34)

Intent of Policy

The intent of this policy is to ensure that student records are maintained in a manner that ensures proper parent access to student records while preventing any unauthorized release of student information.

Definitions

1. **Student**: “Student” means any individual who is or has been in attendance in the District and regarding whom the District maintains education records. “Attendance” includes, but is not limited to, in person, by paper correspondence, videoconference, satellite, Internet, or other technologies used when a student is not in the classroom, and also includes students who are enrolled in a District work-study program;
2. **Parent**: “Parent” means a natural parent, legal guardian, or an individual acting as a parent of a student in the absence of a parent or a guardian;
3. **Student Record/Pupil Record**: “Student Record” or “Pupil Record” means any item of information directly related to an identifiable student, other than directory information, that is maintained by the District or required to be maintained by a District employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Student records do not include any of the following:

- a. **Informal notes** related to a student compiled by a District officer or employee that remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute;
- b. **Directory Information** collected and/or maintained by the District;
- c. **Law Enforcement Records** of the law enforcement unit of the District;
- d. **Employee Records** related exclusively to a District employee’s capacity as an employee;

- e. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student in the District; and
- f. Grades on peer-graded papers before they are collected and recorded by a teacher.

(Ed. Code § 49061; 5 Cal Code of Regs. § 430; 34 C.F.R. § 99.3.)

The District's Custodian of Records

The Board hereby designates the Superintendent as the District's Custodian of Records. The Custodian of Records is responsible for implementing the Board's policies regarding student records throughout the entire District. The Custodian of Records shall ensure that each school-site representative is properly implementing the District's policies at their designated site.

School-Site Representatives

The principal of each school-site or a certificated employee designated by the principal shall be the school-site representative responsible for implementing any District policies regarding student records at that school-site.

Authorized Access to Student Records

Any authorized person shall be guaranteed access to student records within 5 day of the date they make their request.

Authorized access shall be as follows:

1. Absolute Right to Access:

- a. For students under 18 years of age, the parents of currently enrolled or former students have an absolute right to access to any and all student records related to their children that are maintained by the District. The District shall not edit or withhold any record unless it is permitted to by law;
- b. If an individual with exceptional needs has reached age of 18 and has been determined to be incompetent under State law, the parent/guardian or caretaker shall be granted absolute access;
- c. Students who have reached 18 years of age or are attending an institution of postsecondary education; and
- d. Pursuant to a judicial order for records.

2. Access Based on Legitimate Educational Interest

The District shall grant access to student records without parental consent or a judicial order where there is a “Legitimate Educational Interest” authorized by law.

The District shall only grant access to those particular records relevant to the legitimate educational interests of the requester as defined by Education Code § 49076(a)(1). The District shall develop rules and procedures specifying those individuals who are qualify as having a legitimate educational interest justifying their access to student records.

All requests for access to student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

3. Conditional Access

The District also has the discretion to grant “Conditional Access” to information contained in a student record pursuant to Education Code § 49076(a)(2).

The District shall develop rules and procedures specifying the circumstances under which the District may release specified information from student records consistent with the law.

All requests for access to or information from student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual or agency making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

Procedures for Parent Access to Student Records

The District shall maintain all student records at the school office. Parents requesting to copy, inspect, and/or review student records shall make their request at this location during regular business hours.

The requested access shall be provided within 5 days of the date of the request. If a parent has requested to review or inspect student records, the District staff shall provide them access to the records in a manner that ensures the continued integrity and privacy of the records being inspected or reviewed.

If a parent is seeking copies of records, the District may charge the parents for the actual cost of copying the records.

Security of Records

The Custodian of Records shall be responsible for the security of student records maintained by the District and shall coordinate with the School-Site Representatives to devise procedures for assuring that access to such records is limited to authorized persons.

Records for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations a notation in the central file as to where such other records may be found is required.

Types of Records Collected and Maintained By District

The principal of each school shall keep on file a record of enrollment and scholarship for each Student currently enrolled in said school.

The District shall not compile any other student records except “mandatory” or “permitted” records as defined as follows:

1. **“Mandatory Permanent Pupil Records”** are those records which the District is required by law to compile. The District shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every student who was enrolled in a District program. The mandatory permanent pupil record or a copy thereof shall be forwarded by the District whenever the District receives a request for student records from a public or private school in which the student has enrolled or intends to enroll;
2. **“Permitted Records”** are those student records which the District may maintain for appropriate educational purposes and may include:
 - a. Objective counselor and/or teacher ratings;
 - b. Standardized test results older than three years;
 - c. Routine discipline data;
 - d. Verified reports of relevant behavioral patterns;
 - e. All disciplinary notices;
 - f. Attendance records not required for State funds, to insure compliance with compulsory attendance laws, and/or to insure a student is regularly attending school.

Student Records Required to Be Signed

All anecdotal information and assessment reports maintained as a student record shall be dated and signed by the individual who originated the data.

Annual Notice to Parents

The District shall notify parents in writing at least annually of their rights in regard to student records as required by Education Code § 49063.

When Parent's Primary Language is Not English

When a parent's primary language is not English, the District shall make an effort to:

1. Provide interpretation of the pupil record in the primary language of the parent; or
2. Assist the parent(s) in securing an interpreter.

The District May Not Withhold Student Records

Neither the pupil record, nor any part thereof, shall be withheld from the parent or eligible pupil requesting access.