

Riverside County Office of Education
Board Policy 5125 Student Records

STUDENTS

SUBJECT: Student Records

The County Board of Education and County Superintendent of Schools recognize the importance of keeping accurate, comprehensive student records as required by law. The County Superintendent or designee shall ensure that the County Office of Education's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The County Superintendent or designee shall establish regulations governing the identification, description, and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect, and copy student records and shall protect the student and his/her family from invasion of privacy.

(cf. 3580 – County Office of Education Records)
(cf. 4040 - Employee Use of Technology)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5125.3 - Challenging Student Records)

Custodian of Records

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for County Office of Education student records. At each school, the site administrator 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 County Office of Education policy and administrative regulation regarding student records. (5 CCR 431)

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The county 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 county

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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)

(cf. 5145.13 - Response to Immigration Enforcement)

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 county student, provided that the county 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)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.2 - Bullying)

(cf. 5145.6 - Parental Notifications)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

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.

(cf. 3312 - Contracts)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

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

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48918 Rules governing expulsion procedures
 48980 Parental notifications
 48985 Notices in parent/guardian's primary language
 49060-49079 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
 22586-22587 Early Learning 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 student 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
 300.501 Opportunity to examine records for parents of student with disability

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Management resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

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

IDEA and FERPA Confidentiality Provisions, 2014

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

CSBA: <http://www.csba.org>

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, <http://www.ed.gov/policy/gen/guid/fpco>