

The 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 the student's family from invasion of privacy.

DEFINED:

Pupil records for the purpose of this policy addresses any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by any employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Pupil records shall not include informal notes related to a pupil compiled by a school 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. For purposes of this subdivision, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his/her position.

REGULATIONS:

The Board of Trustees assures that:

- 1.0 Parents of pupils under the age of 18 and pupils 16 years of age or older or pupils who have completed the 10th grade have the right to inspect, read, and make copies (at their own cost), and to challenge any or all of the records pertaining to the pupil.
 - 1.1 Such a request must be honored within a reasonable time not to exceed 5 working days from such request.
 - 1.2 A superintendent or principal's designee shall be present and record such inspections.
- 2.0 Written permission by parents of pupils under the age of 18 or from pupils over the age of 18 must be obtained prior to the release of any or all of the records to third parties having a legitimate educational interest. Exceptions to this regulation are:
 - 2.1 residential officials and employees and officials and employees of other public schools and school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents.
 - 2.2 officials of other schools or school systems in which the pupil intends to enroll, upon condition that the pupil's parents (or pupil if over 18) be

notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

- 2.3 authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designee, or the United States Office for Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner which will not permit the personal identification of pupils or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.
- 2.4 other state and local officials to the extent that information is specifically required to be reported pursuant to the Family Educational Rights and Privacy Act of 1974.
- 2.5 parents of 18-year-old or older pupils who have been declared to be dependent.
- 2.6 a pupil 16 years of age or older having completed the 10th grade who requests such access.
- 2.7 any district attorney who is participating in or conducting a truancy mediation program.
- 2.8 a prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Attendance Law.
- 2.9 any probation officer or district attorney for the purpose of conducting a criminal investigation or an investigation in regards to declaring a person or ward of the court or inviting a violation of a condition of probation.
- 2.10 members of a School Attendance Review Board (SARB), and any volunteer aide age 18 or older who has been investigated, selected and trained by such a Board to provide follow-up services to a referred student.

- 2.11 appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
- 2.12 agencies or organizations in connection with a student's application for, or receipt of, financial aid; provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.
- 2.13 county elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register.
- 2.14 accrediting organizations in order to carry out their accrediting functions.
- 2.15 information concerning a student shall be furnished in compliance with court order. The school district shall make a reasonable effort to notify the parent and the pupil in advance of such compliance if lawfully possible within the requirements of the judicial order.
- 2.16 organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

REMOVAL/ADDITION OF DISCIPLINE/ATTENDANCE INFORMATION PERTAINING TO STUDENT RECORDS

- 3.0 Step 1--Requests filed with the superintendent: A parent/guardian or pupil (if eighteen (18) or over) may file with the superintendent a written request to remove any information recorded in the written records of the pupil which s/he alleges is:
 - inaccurate
 - an unsubstantiated personal conclusion or inference
 - a conclusion or inference outside the observer's area of competence
 - not based on the personal observation of the named person with the record.

- 3.1 Step 2--Superintendent action. Within thirty (30) working days after receipt of the request, the superintendent, or his/her designee will meet with the parent/guardian or student (if eighteen (18) or over) and the certificated employee who recorded the information that is being challenged. The superintendent will either sustain or deny the allegations.
- 3.2 Step 3--Appeal to the Board of Trustees. If the superintendent denies the allegations and refuses to order the removal of the information from the pupil's record, the parent or guardian may, within thirty (30) working days after the superintendent's decision, file a written appeal with the Board of Trustees. Within thirty (30) days of receipt of the appeal, the Board of Trustees shall meet in closed session with the parent/guardian and the certificated employee who recorded the challenged information, and determine whether or not to sustain or deny the challenge. If the Board of Trustees sustains the allegations, it shall order the superintendent to immediately have the information removed from the pupil's records and destroyed. The decision of the Board of Trustees shall be final as far as the district is concerned.
- 3.3 Records of administrative proceedings. Records of these administrative proceedings shall be maintained in a confidential manner for one year after the decision of the Board of Trustees, at which time they will be destroyed, unless the parent/guardian initiates legal proceedings relative to the challenged information within that time.
- 3.4 Further parent/guardian action. If parent/guardians are not successful in having the challenged material removed, they may submit a written statement of his/her objections thereto and such statement shall become a part of the pupil's record so long as the information objected to is retained records.

RECORD OF DISCIPLINARY ACTION:

- 4.0 When information concerning disciplinary action against a pupil, including, but not limited to, suspension or expulsion, is included in the pupil's records the parent/guardian must be allowed to include in such records a written statement or response concerning the disciplinary action.

COURT ORDER FOR PUPIL RECORDS

- 5.0 Information concerning a student shall be furnished in compliance with a court order and school officials shall make a reasonable effort to notify the parent and the pupil in advance of such compliance if lawfully possible within the requirements of the judicial order.

SUBPOENA FOR SCHOOL RECORDS

- 6.0 The service of a subpoena for the purpose of securing a school record pertaining to any pupil may be complied with in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office.

Board of Trustees

June 9, 1977

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Legal Reference:

Family Educational Rights and Privacy Act of 1974;

Section 438--General Education Provisions Act

Education Code Sections: 48263.5, 48321, 49060-49080 Pupil Records,

Title 5, Section 431