

# LODI UNIFIED SCHOOL DISTRICT

REVISION Policy 5125

## Students

### Student Records

The 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 are consistent with state and federal law.~~

~~The Superintendent or designee shall establish administrative regulations governing the identification, retention and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.~~

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 designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records.

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.

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.

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.

#### 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.

#### 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.

Legal References: Education Code

17604 Delegation of powers to agents

234.7 Student protections relating to immigration and citizenship status

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

48918 Rules governing expulsion procedures

49060-49079 Student records

49091.14 Parental review of curriculum

48980 Parent/Guardian notifications

48985 Notices to parents in language other than English

51745 Independent study

51747 Independent study programs

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 Professional Code

22580-22582 Privacy rights for California minors in the digital world

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

7920.000-7930.215 California Public Records Act

Health and Safety Code

120440 Immunizations; disclosure of information

Welfare and Institutions Code

681 Truancy petitions

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 (FERPA) of 1974

1232h Privacy rights

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

Penalty Code

245 Assault with deadly weapon

W & I Code

16010 Health and education records of a minor

681 Truancy petitions

701 Juvenile court law

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

U.S. Department of Education Publications

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007

IDEA and FERPA Confidentiality Provisions, 2014

CA Office of the Attorney General Publication

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

CSBA Publication

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

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

Web Sites

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

U.S. Department of Education, Family Policy Compliance Office, <http://www.ed.gov/policy/gen/guid/fpco/index.html>

CSBA District and County Office of Education Legal Services:

<https://legalservices.csba.org/#https://legalservices.csba.org/>

National School Boards Association:

<https://www.nsba.org/#http://www.nsba.org>

CSBA: <https://www.csba.org/#http://www.csba.org&gsc.tab=0>

Policy

adopted: 05/11/67

revised: 09/18/79

revised: 06/02/98

revised: 12/14/09

revised: 09/05 /06 (technical revisions)

revised: 09/02/08 (technical revisions)

revised: 02/16/10

revised: 01/12/16