

STUDENT RECORDS; CONFIDENTIALITY

The Governing Board supports the need for and usefulness of keeping pupil records for each student which will reflect the spiritual, physical, emotional, social and academic aspects of a student's development in the educational process.

Information about a student demands judicious use and shall always be used so as to contribute to the student's welfare. Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance, and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

Definitions

For the purposes of this policy:

“Parent” means a natural parent, an adopted parent, legal guardian, or a person showing legal proof of becoming a parent. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others, provided, however, that either parent may grant consent if both parents have notified the school, in writing, that such an agreement has been made. Whenever a pupil has attained the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the pupil shall thereafter only be required of, and accorded to, the pupil.

“Pupil record” means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school or district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or other means. Pupil records include information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record. The pupil record shall include the pupil's health record.

“Pupil record” shall not include informal notes related to a pupil compiled by a school officer or employee which 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 regulation, “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.

Definitions (Continued)

“Directory information” means one or more of the following items: student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of students, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

“Access” means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.

“Pupil” means a person who is or was enrolled in a school.

“Adult pupil” means a person who is or was enrolled in school and who is at least 18 years of age.

The school administration shall adopt regulations providing for the following:

1. Informing parents of their rights.
2. Permitting parents to inspect and review pupil records, including at least a statement of the procedure to be followed by a parent or an eligible student who requests copies of the pupil’s records, or to inspect and review the pupil records, with an understanding that it may not deny access to pupil records; a description of the circumstances in which the school feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of pupil records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a pupil’s records without the prior written consent of the pupil’s parents, except as otherwise permitted by school administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within or with-out the school system who have been determined by the school to have legitimate educa-tional interests, and, if so, a specification of the criteria for determining which parties are “school officials” and what the school considers to be a “legitimate educational interest”, and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosure of personally identifiable information from the pupil’s records and permitting a parent to inspect that record.

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5. Providing a parent with an opportunity to seek the correction of the pupil's records through a request to amend the records or a hearing, and permitting the parent or an eligible pupil to place a statement in the pupil's records.
6. Guaranteeing access to pupil records to authorized persons within five working days following the date of request.
7. Assuring security of pupil records.

Types of Records

The school shall maintain only the following two categories of records:

1. Mandatory Permanent Pupil Records are those records which are maintained in perpetuity and which schools have been directed to compile by California statute, regulation, or authorized administrative directive. Such records shall include the following:
 - a. Legal name of pupil
 - b. Date of birth
 - c. Method of verification of birth date
 - d. Sex of pupil
 - e. Place of birth
 - f. Name and address of parent of minor pupil
 - 1) address of minor pupil if different than the above
 - 2) an annual verification of the name and address of the parent and the residence of the pupil
 - g. Entering and leaving date of each school year and for any summer session or other extra session
 - h. Subjects taken during each year, half-year, summer session or quarter
 - i. Verification or exemption from required immunizations

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- j. Date of high school graduation or equivalent
2. Permitted Records are those records having clear importance only to the current educational process of the student. Such records may include the following:
- a. Objective teacher/parent ratings
 - b. Standardized test results
 - c. Routine discipline data
 - d. Verified reports of relevant behavioral patterns
 - e. All disciplinary notices
 - f. Attendance records not covered in the California Administrative Code

Maintenance and Security of Pupil Records

1. Custodian of Records
- a. (Name of school employee) is hereby designated as custodian of pupil records. The address of the custodian is _____.
 - (1) The custodian is charged with school-wide responsibility for implementing Governing Board policies and administrative regulations relating to pupil records.
 - (2) The custodian shall be responsible for security of pupil records and shall devise procedures for assuring that access to such records is limited to authorized persons.
 - (3) The custodian of records or a designated employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.
- b. In each school, the principal, or an employee designated by the principal, is responsible for implementation of Governing Board policies and administrative regulations relating to pupil records maintained at the school.

Student Records; Confidentiality (Continued)**2. Files**

- a. A record for each individual pupil shall be maintained in a central file at the school or in a designated building.

3. Information

- a. All anecdotal information and assessment reports maintained as pupil records must be dated and signed by the individual who originated the record.
- b. Each school principal shall keep on file a record of enrollment and scholarship for each pupil currently enrolled in that school.

Access to Student Records**1. Parents**

- a. Parents of currently enrolled or former pupils shall have a right during regular business hours to access of any and all pupil records related to their children which are maintained by the school. Neither the pupil record, nor any part thereof, shall be withheld or edited. If the pupil records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that pupil.
- b. A parent's request for access to pupil records may be required to be made in writing to a board member and/or the custodian of pupil records. Access shall be granted no later than seven (7) working days following the date of the request.
- c. A requesting parent shall be notified of the location of all pupil records.

2. Parental Consent

- a. The custodian of pupil records may permit access to pupil records during regular school hours or upon a pre arranged time other than during regular school hours to any person for whom a pupil's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released.
- b. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.

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- c. The consent notices shall be kept permanently with the pupil record.
- d. Upon request, the district shall provide the parent with a copy of the record which is disclosed.

3. Without Parental Consent

- a. No person or agent shall be permitted access to pupil records without written parental consent or judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:
 - (1) School officials and employees of CCA
 - (2) Officials and employees of other public or private schools after proper identification has been given, and if the requesting school official or employee can provide a legitimate educational interest to the satisfaction of CCA.
 - (3) State and local officials to the extent that such information is specifically required.
 - (4) Parents of a pupil 18 years of age or older who is a dependent.
- b. Information from pupil records may be released to the following:
 - (1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency.
 - (2) Agencies or organizations in connection with a student's application form 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 conditions which will be

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imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

- (3) Accrediting organizations in order to carry out their accrediting functions.
- (4) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enrol subject to the rights of parents. Such information shall be in addition to the pupil's permanent record transferred.

- c. No person, persons, agency, or organization permitted access to pupil records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the pupil's parent provided, however, that this paragraph shall not be construed as to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within CCA so long as such persons have an equal legitimate interest in the information.

4. Court Order

- a. Information concerning a student shall be furnished in compliance with a court order.
 - (1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any pupil records pursuant to a court order, give the parent and the pupil at least three days' notice, if lawfully possible, within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notice shall be in writing if possible.
 - (2) only those records related to the specific purpose of the court order shall be disclosed.
- b. The service of a subpoena upon a school employee or official solely for the purpose of causing the employee to produce a school record pertaining to any pupil may be complied with by such employee, 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. The copy of the record shall be in the form of Xerox reproduction.

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5. Nothing in this regulation shall preclude the school from providing in its discretion, statistical data from which no pupil may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best interests of pupils.
6. **Criteria**
 - a. The following criteria shall be used in determining whether a “school official or personnel” has a “legitimate educational interest.”
 - (1) A school employee (certificated or noncertificated) who provides direct instruction to the pupil and who has a specific need for the information.
 - (2) A school administrator, supervisor, health or pupil personnel worker who has involvement in the pupil’s educational progress, health and school adjustment, and who has a specific need for the information.
 - (3) A Governing Board member who has a specific need for the information if the necessity for access to the pupil record is directly related to the educational program of the school or district. If any question is raised by a custodian of pupil records regarding access of a Governing Board member to such pupil records, the matter shall be referred to the entire Governing Board for a determination regarding the educational interest in access to such records.

Challenging Contents of Records

1. Following an inspection and review of a pupil’s records the parent or guardian of the pupil or former pupil may challenge the content of any pupil record.
 - a. The parent may file a written request to the school principal to correct or remove any information recorded in the written records concerning the parent’s child which the parent alleges to be:
 - (1) inaccurate,
 - (2) an unsubstantiated personal conclusion or inference,
 - (3) a conclusion or inference outside of the observer’s area of competence,
 - (4) not based on the personal observation of a named person.

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- b. Within 30 days of receipt of such request, the principal or designee shall meet with the parent or guardian and the employee/volunteer who recorded the information in question, if any, and if such employee/volunteer is presently with the school.
 - c. The information shall be corrected or removed if the principal sustains any or all of the allegations.
 - d. If the principal denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the School Advisory Board.
 - (1) Within 30 days of the receipt of such an appeal, the Governing Board shall, in Closed Session with the parent or guardian and the school employee/volunteer who recorded the information in question, if any, and if such employee/volunteer is presently with the school, determine whether or not to sustain or deny the allegations. The decision of the Governing Board shall be final.
 - (2) If the Governing Board sustains any or all of the allegations, it shall order the principal to immediately correct or remove and destroy the information from the pupil's written records.
 - (3) Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing Board unless the parents or guardian initiate legal proceedings relative to the disputed information within the prescribed period.
 - e. If the final decision of the Governing Board is unfavorable to the parents or guardian, or if the parents or guardian accept an unfavorable decision by the principal, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the pupil's school record until such time as the information objected to is corrected or removed.
3. Whenever there is included in any pupil record information concerning any disciplinary action taken by school personnel in connection with the pupil, the pupil's parents or guardian may include in such pupil's record a written statement or response concerning the disciplinary action.

Student Records; Confidentiality (Continued)**Directory Information**

1. Directory information may be released to the following:
 - a. Federal, state and local governmental agencies
 - b. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations.
 - c. Employers or prospective employers
2. No information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media.
3. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college.
4. The custodian of records may, in his/her discretion, limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

Access Log

1. A log or record shall be maintained for each pupil's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate education interests thereof.
2. Such listing may or may not include the following:
 - (a) Parents or pupils to whom access is granted
 - (b) Parties to whom directory information is released
 - (c) Parties for whom written consent has been executed by the parents or guardian
 - (d) School personnel having a legitimate educational interest
3. The log or record shall be open to inspection only by a parent or guardian and the custodian of pupil records, or the custodian's designee, and to other school personnel with legitimate educational interests in the records.

Student Records; Confidentiality (Continued)**Transfer of Pupil Records**

1. Student records shall not be withheld from the requesting school or district because of any charges or fees owed by the student or parent/guardian. If CCA has been withholding a transcript from a student for such reasons, that information shall be forwarded to the new school along with the student's record. CCA shall also notify the parent in writing that its decision to withhold grades and transcript will be enforced by the new school.
2. CCA shall withhold grades, diploma and transcripts from any student transferring into the school whose misconduct caused a previous school or district to withhold them. When informed by the previous district that lawful compensation has been made, the district shall release these documents. All pupil records shall be updated prior to transfer.

Retention and Destruction of Pupil Records

1. No additions, except routine updating, shall be made to a pupil's record after high school graduation or permanent departure without the parent's or guardian's prior consent.
2. Mandatory permanent Pupil Records shall be preserved in perpetuity.
3. Permitted Pupil Records may be destroyed when their usefulness ceases. They may be destroyed after two years following the pupil's completion of or withdrawal from the school program.
4. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Parent Notification

1. The school shall provide upon parent's request their rights under this regulation. This information shall include the following:
 - a. The type of pupil records and information contained therein which is directly related to students and maintained by the school.
 - b. The position of the official responsible for the maintenance of the records.
 - c. The criteria to be used by the school to defining "school officials and personnel" and in determining "legitimate educational interest."

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- d. The policies of the school for reviewing and expunging pupil records.
 - e. The right of parents or guardians to access of pupil records.
 - f. The procedures for challenging the content of pupil records.
 - h. The cost, if any, may be charged to the parent or guardian for reproducing copies of records.
 - i. The categories of information which the district has designated as directory information.
2. If needed and as is practicable, the information may be provided in the home language of the pupil.

Policy adopted: January 19, 1999

Revised: