

Policy 5125: Student Records

Status: DRAFT

Original Adopted Date: 09/20/2001 | Last Revised Date: 01/18/2024 | Last Reviewed Date: 01/18/2024

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, 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 in accordance consistent with state and federal law.

The Superintendent or designee shall designate a certificated employee in Student Services to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled in the district for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

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. (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 In accordance with Board Policy 5145.13 - Response to Immigration Enforcement, 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/warrant. If a district employee receives such a request, the employee shall respond in accordance with Board Policy 5145.13 - Response immediately report the request to Immigration Enforcement 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)

The district or any district employee 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 district staff disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. ThisSuch prohibition does not apply to information may only be compiled or exchanged with other local, state, or federal agencies if the information that is aggregated and is not personally identifiable. (Government Code 8310.3)

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

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 pertains to school safety or student safety. (Education Code 49073.6)

Contract for Digital Storage, Management Retention, Disclosure, and Security Retrieval of Student Records

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft,

which may be caused by the use of technology, including artificial intelligence and breaches to the district's digital infrastructure, in the retention or disclosure of student records. Additionally, in accordance with Board Policy 5145.13 - Response to Immigration Enforcement, all district staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.

The Superintendent or designer shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure.

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	Individual student records
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act
Code of Civil Procedure 1985.3	Subpoena duces tecum
Ed. Code 17604	Delegation of powers to agents
Ed. Code 220.3	Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51745	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 69475	Conditional repeal of Cal Grant program

State

Fam. Code 3025
 Fam. Code 6323.5
 Fam. Code 6552
 Gov. Code 7920.000-7930.215
 H&S Code 120440
 Pen. Code 245
 W&I Code 16010
 W&I Code 681
 W&I Code 701

Federal

15 USC 6501-6506
 16 CFR Part 312
 20 USC 1232g
 20 USC 1232h
 26 USC 152
 34 CFR 300.501
 34 CFR 99.1-99.8
 42 USC 11434a

Management Resources

CA Office of the Attorney General Publication
 CSBA Publication
 CSBA Publication
 Federal Register
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 U.S. Department of Education Publication
 Website

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[Access to records by noncustodial parents](#)
 Ex parte orders
[Caregiver's authorization affidavit](#)
[California Public Records Act](#)
[Immunizations; disclosure of information](#)
[Assault with deadly weapon](#)
[Health and education records of a minor](#)
[Truancy petitions](#)
[Juvenile court law](#)

Description

Children's Online Privacy Protection Act
[Children's Online Privacy Protection Rule](#)
[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
 Protection of Pupil Rights Amendment
[Definition of dependent child](#)
[Opportunity to examine records for parents of student with disability](#)
[Family Educational Rights and Privacy Act](#)
[McKinney-Vento Homeless Assistance Act; definitions](#)

Description

[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, December 2024](#)
[Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023](#)
[Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017](#)
[Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855](#)
[IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022](#)
[School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\), February 2019](#)
[An Eligible Student Guide to the Family Educational Rights and Privacy Act \(FERPA\), March 2023](#)
[A Parent Guide to the Family Educational Rights and Privacy Act \(FERPA\), July 2021](#)
[Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007](#)
[Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008](#)
[California IT in Education, Student Data Privacy](#)

Management Resources

Website
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Description

[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Education, Protecting Student Privacy](#)
[California Office of the Attorney General](#)
[California Department of Education](#)
[CSBA](#)

Cross References

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[District And School Websites](#)
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[Access To District Records](#)
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