

# NICASIO SCHOOL DISTRICT

## Board Policy

Series 5000: Students

BP 5125

### STUDENT RECORDS

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, 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 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)

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. (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 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. (Education Code 234.7)

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 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. (Education Code 49073.6)

## **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 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  
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

**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/fpc/>

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