

STUDENT RECORDS

The Governing Board 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 maintain, in writing, policies and procedures for gathering and handling sensitive student information, and shall ensure that appropriate personnel receive training pursuant to these policies and procedures. ~~establish administrative regulations governing the identification, description and security of student records.~~ These regulations shall ensure the rights of authorized persons to have timely access and shall protect the student and his/her their families from invasion of privacy.

~~If the District is in possession of information that is indicative of a student's immigration status, citizenship status, or information regarding national origin, the District shall not use such information to discriminate against any student or their family members, nor shall the District use such information to prevent children from enrolling in or attending school. The District shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruction.~~ **[SHOULD THIS PARAGRAPH GO HERE, OR IN THE NONDISCRIMINATION BP?]**

If a parent or guardian does not provide the District with information that is indicative of their or their child's immigration status, citizenship status, or information regarding their national origin, the District shall not use such a fact as a basis for discriminating against any student or their family members, nor shall the District use such a fact to prevent children from enrolling in or attending school.

The District shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, immigration status, citizenship status, or national origin.

The District shall not solicit or collect entire Social Security numbers or cards. However, the District shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs; the District shall explain the limited purpose for which this information is being collected, and clarify that the failure to provide this information will not bar the student from enrolling in or attending school.

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.

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

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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	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
4906049079	Student records
49091.14	Parental review of curriculum
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

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

62526260 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

430438 Individual student records
1602016027 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

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UNITED STATES CODE, TITLE 42

1143a 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:

FEDERAL REGISTER

Final Rule and Analysis of comments and Changes, Family educational Rights and Privacy, December, 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

Joint Guidance on the Application of FERBA 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, October 2007

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

WEB SITES

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

National School Boards Association: <http://www.nsba.org>

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

Adopted

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Silver Valley Unified School District