
Student Records Policy 2-202

Scope:

The policy applies to any and all official student records maintained by the District on any current or former student of the District.

The District will comply with all state and federal law regarding maintenance and access to student records, including but not limited to the Family Educational Rights and Privacy Act (“FERPA”), 34 C.F.R. Part 99, California Education Code §§ 49060-49079, and 5 C.C.R. § 430-438.

Purpose

The purpose of this policy is to ensure proper student records are maintained on each student of the District and provide proper parent access to student records while preventing any unauthorized release of student information.

Policy Definitions

1. **Student:** “Student” means any individual who is or has been in attendance in the District and regarding whom the District maintains education records.
2. **Attendance:** “Attendance” includes, but is not limited to, in person, or virtually by other means, including correspondence, videoconference, satellite, Internet, or other technologies used when a student is not in the classroom, and also includes students who are enrolled in a District work-study program.
3. **Parent:** “Parent” means a natural parent, an adopted parent, or legal guardian.
4. **Eligible Student:** “Eligible Student” means a student who has reached 18 years of age or is attending an institution of postsecondary education.

5. **Student Record/Pupil Record:** “Student Record” or “Pupil Record” means any item of information directly related to an identifiable student, other than directory information, that is maintained by the District or required to be maintained by a District employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means. Student records do not include any of the following:
- Informal notes related to a student compiled by a District officer or employee that remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute.
 - Directory Information collected and/or maintained by the District in accordance with District Board Policy 2-203.
 - Law Enforcement Records of the law enforcement unit of the District.
 - Employee Records related exclusively to a District employee’s capacity as an employee.
 - Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student in the District; and
 - Grades on peer-graded papers before they are collected and recorded by a teacher.
6. **Legitimate Educational Interest:** “Legitimate Educational Interest” means an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or obligations to the District, require access to information in student records.
7. **School Officials and Employees:** “School Officials and Employees” has the same meaning as defined in 34 C.F.R. § 99.31.

Prohibition on Collecting Certain Information

The District shall not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians, unless required by state or federal law. The District shall not compile any list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor disclose student information to federal authorities for the purpose of compiling such lists for immigration enforcement.

No District employee or contractor shall be required to disclose information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless legally required to do so.

The District’s Custodian of Records

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Page 2 of 11

The policies are developed in collaboration with the Small School Districts’ Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

The Board hereby designates the Superintendent or designee as the District's Custodian of Records. The Custodian of Records is responsible for implementing the Board's policies regarding student records throughout the entire District. The Custodian of Records shall ensure that each school-site representative is properly implementing the District's policies at their designated site.

School-Site Representatives

The principal of each school-site or a certificated employee designated by the principal shall be the school-site representative responsible for implementing any District policies regarding student records at that school-site.

Administrative Regulations

Process for Providing Access and Security of Records

Access to student records will be made in accordance with all applicable state and federal law.

The Custodian of Records shall be responsible for the security of student records maintained by the District and shall coordinate with the School-Site Representatives to devise procedures for assuring that access to such records is limited to authorized persons. Those procedures can include physical, technological, and administrative policy controls.

Records for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations a notation in the central file as to where such other records may be found is required.

All requests must be made to the Custodian of Records or School-site Representative, who will authenticate the requestor's identity and authorization to access the records. Qualified certificated personnel will be available to interpret records if requested.

If required by law, the Custodian of Records or School-site Representative will obtain written consent of the parent/guardian or eligible student prior to disclosing the student record. The written consent must comply with 34 C.F.R. § 99.30. Records will not be disclosed if proper consent is not obtained unless an exception to the consent requirement exists.

The requested access or copies shall be provided within five (5) business days of the date of the request. The District will charge for the actual cost of copying the records except as provided in Education Code § 49065.

Authorized access shall be as follows:

1. Absolute Right to Access:

- For students under 18 years of age, the parents of currently enrolled or former students have an absolute right to access to any and all student records related to their children that are maintained by the District. The District shall not edit or withhold any record unless it is permitted to by law;

- If an individual with exceptional needs has reached age of 18 and has been determined to be incompetent under State law, the parent/guardian shall be granted absolute access; and
- Students who have reached 18 years of age or are attending an institution of postsecondary education.

The student record nor any part thereof, shall be withheld from the parent or eligible student requesting access.

2. Access Based on Legitimate Educational Interest

The District shall grant access to student records without parental consent or a judicial order where there is a “Legitimate Educational Interest” authorized by law.

The District shall only grant access to those particular records relevant to the legitimate educational interests of the requester as defined by Education Code § 49076(a)(1).

In granting access to records pursuant to a “Legitimate Educational Interest” the District will comply with Education Code § 49076, 34 C.F.R. §§ 99.31, 99.34, and 99.35, and all other applicable law.

All requests for access to student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

3. Access by Law Enforcement or Immigration Authorities

The District shall not provide any student records, personally identifiable information, or other data maintained by the District to law enforcement or immigration enforcement officers except as authorized by Education Code §§ 49076 and 49076.5, FERPA, or other applicable law.

Requests for student records, personally identifiable information, or other data maintained by the District by an immigration officer will be handled pursuant to Policy 6-102.

Staff shall receive periodic training on these requirements as part of the District’s annual compliance review.

4. Compliance with Court Orders or Subpoenas

Student records and information will be furnished in compliance with a court order or lawfully issued subpoena in the manner required by Education Code §§ 49077-49078, 5 C.C.R. § 435, and all other applicable law.

5. Citizenship, Immigration Status, and Place of Birth

Information regarding a student's or family member's citizenship status, immigration status, place of birth, or any other information indicating national origin shall not be released, disclosed, or otherwise made available to any person or entity for immigration purposes, except as required by state or federal law or court order.

Any disclosure of such information shall be made only in accordance with Policy 6-102 (Immigration Enforcement on Campus and Notification Procedures) and applicable provisions of the California Attorney General's model immigration enforcement policy.

The District shall not collect information or documents regarding citizenship or immigration status, place of birth, or national origin of students or their family members except as required to administer a state or federally supported educational program.

6. Conditional Access

The District also has the discretion to grant "Conditional Access" to information contained in a student record pursuant to Education Code § 49076(a)(2). The District will follow Education Code § 49076, 34 C.F.R. Part 99, and all other applicable law in granting "Conditional Access."

All requests for access to or information from student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual or agency making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

Procedures for Parent or Eligible Student Access to Student Records

The District shall maintain all student records at the following location (1) School Site Office for current students enrolled at the school, and (2) District Office for any former student no longer enrolled at a school site. If records are maintained in different locations a notation in the central file as to where such other records may be found is required

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Revised on:*

Page 6 of 11

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Parents or eligible students requesting to copy, inspect, and/or review student records shall make their request to the Custodian of Records or School-site Representative. Qualified certificated personnel will be available to interpret records if requested.

The requested access or copies shall be provided within five (5) business days of the date of the request. If a parent or eligible student has requested to review or inspect student records, the District staff shall provide them with access to the records in a manner that ensures the continued integrity and privacy of the records being inspected or reviewed.

If a parent or eligible student is seeking copies of records, the District will charge for the actual cost of copying the records except as provided in Education Code § 49065.

Student Records Access Log

The Custodian of Records shall maintain a log for each student's record documenting all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefore. The log will comply with Education Code § 49064, 5 C.C.R. §§ 432 and 435, 34 C.F.R. 99.32, and all other applicable law.

Changes to Student Records

Any changes, challenges, or expungements to student records shall be made in accordance with the procedures outlined in Education Code §§ 49062.5, 49069, 49070, and 49071, 5 C.C.R. §§ 436-437, 34 C.F.R. §§ 99.20-99.22, and all other applicable law.

Types of Records Collected and Maintained by District

The principal of each school shall keep on file a record of enrollment and scholarship for each Student currently enrolled in said school.

All anecdotal information and assessment reports maintained as a student record shall be dated and signed by the individual who originated the data.

The District shall not compile any other student records except those records as defined by 5 C.C.R. § 432 and all other applicable law, including:

1. **“Mandatory Permanent Pupil Records”** are those records which the District is required by law to compile. The District shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every student who was enrolled in a District program.

Adopted on: June 11, 2026
Revised on:

Page 7 of 11

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The mandatory permanent pupil record or a copy thereof shall be forwarded by the District whenever the District receives a request for student records from a public or private school in which the student has enrolled or intends to enroll. These records include:

- Legal name of the student
- Date of birth
- Method of verification of birth date
- Sex of the student
- Place of birth
- Name and address of the parent
- Address of minor student if different than above
- Annual verification of the name and address of the parent and residence of the student
- Entering and leaving date of each school year and for any summer session or other extra session
- Subject taken during each year, half-year, summer session, or quarter
- If marks or credit are given, the mark or number of credits toward graduation allows for work taken
- Verification of or exemption from required immunizations
- Date of high school graduation or equivalent

2. **“Mandatory Interim Pupil Records”** are records which the District is required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation, including:

- A log or record identifying persons (except authorized school personnel) or organizations requesting or receiving information from the record.
- Health information, including Child Health developmental disabilities Prevention Program verification or waiver.
- Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
- Language training records.
- Progress slips and/or notices as required by Education Code §§ 49066 and 49067.
- Parental restrictions regarding access to directory information or related stipulations.
- Parent or eligible student rejoinders to challenged records and to disciplinary action
- Parental authorizations prohibitions of student participation in specific programs.
- Results of standardized tests administered within the preceding three years.

3. **“Permitted Records”** are those student records which the District may maintain for appropriate educational purposes and may include:

Adopted on: June 11, 2026
Revised on:

Page 8 of 11

- Objective counselor and/or teacher ratings
- Standardized test results older than three years
- Routine discipline data
- Verified reports of relevant behavioral patterns
- All disciplinary notices
- Attendance records not covered in the Administrative Code § 400.

Retention and destruction of student records will be made in accordance with 5 C.C.R. § 437 and all other applicable law.

Student Records from Social Media

The District may gather and maintain information from students' social media only under the conditions provided for in Education Code § 49073.6, and all other applicable law, including:

1. **Prior Notice:** The District shall notify students and parents/guardians about any proposed social media monitoring program and provide an opportunity for public comment at a regularly scheduled Board meeting before implementation.
2. **Limited Scope:** The District shall gather only information that directly pertains to school safety or student safety.
3. **Student Access:** Upon request, the District shall provide students access to any information gathered from their social media and an opportunity to correct or delete such information.
4. **Destruction Timeline:** Information gathered from social media shall be destroyed within one year after the student turns 18 years of age or within one year after the student is no longer enrolled, whichever occurs first.
5. **Parental Notice:** The District shall provide each parent/guardian of a student subject to the program with the required notification under Education Code § 49073.6.
6. **Third-Party Contracts:** Any contract with a third party to gather social media information shall prohibit the third party from using, selling, or sharing information beyond the contract's scope, and shall require destruction of information upon contract completion or student departure.

Student Records Transfer

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Revised on:

Page 9 of 11

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When student transfers to the District or from the District, including students in foster care, the District will comply with all applicable laws related to the transfer of their student records.

Annual Notice to Parents

The District shall notify parents in writing at least annually of their rights in regard to student records as required by Education Code § 49063.

When a student enrolls in the District, and at the beginning of each school year, the District shall provide parents/guardians and eligible students written notification in their home language, insofar as is practicable, of each of the following:

1. The types of student records and information contained therein which are directly related to students and maintained by the District.
2. The position of the official responsible for the maintenance of each type of record.
3. The location of the log or record required to be maintained pursuant to Education Code § 49063.
4. The criteria to be used by the District in defining “school officials and employees” and “legitimate educational interest.”
5. The policies of the District for reviewing and expunging those records
6. The right of the parent to access student records.
7. The procedures for challenging the content of student records.
8. The cost, if any, that will be charged to the parent for reproducing copies of records.
9. The categories of information which the District has designated as “Directory Information.”
10. Any other rights and requirements required by law and the right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the District to comply with the provisions of Section 444 of the General Education Provisions Act (20 U.S.C. § 1232g.)
11. The availability of prospectus prepared pursuant to Education Code § 49091.14.
12. The process and deadline by which a parent or eligible student may notify the District that they do not want their child’s/their directory information to be released. (Ed. Code, § 49073.)
13. A statement that the District does not release citizenship status, immigration status, place of birth, or any other information indicating national origin as directory information and that such information is protected from disclosure for immigration enforcement purposes (except where the District received the required consent by law). (Ed. Code § 234.7; AB 495)

14. A statement that parents/guardians may request that the District not release the student's name, address, email address, and telephone number to military recruiters without prior written consent.
15. Information about the District's policy regarding release of directory information to private schools, colleges, and other entities.

Cal Grant Grade Point Average Submission

The District shall provide the Student Aid Commission with the grade point average of all students in grade 12 for use in the Cal Grant program pursuant to Education Code § 69432.9 and all other applicable law.

No later than January 1 each year, the District shall notify each student in grade 11, and their parents/guardians if under 18, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within the time specified in the notice (not less than 30 days).

When Parent's Primary Language is Not English

When a parent's primary language is not English, the District shall make an effort to:

1. Provide interpretation of the pupil record in the primary language of the parent; or
2. Assist the parent(s) in securing an interpreter.

Contracts for Digital Storage, Management, and Retrieval of Student Records

The District may enter into a contract with a third party (1) to provide services, including cloud-based services, for the digital storage, management, and retrieval of student records, or (2) to provide digital educational software that authorizes a third-party provider of such software to access, store, and use student records in accordance with specified contractual provisions. When entering into a contract, the District will comply with all Federal and State law and will ensure that the third-party provider is bound to said compliance.