

**STUDENT RECORDS**

The Board of Trustees 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 serve as Custodian of Records, with responsibility for student records at the District level. At each school, the principal or a certificated designee 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 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.

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 District shall avoid disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA). 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 received such a request, he/she shall immediately report the request to the Superintendent or designee, the Superintendent or designee 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 also provide students and families with appropriate notice and description of the immigration officer's request, document any verbal or written request for information by immigration authorities and unless prohibited, provide students and parents/guardians with any documents issues by the immigration-enforcement officer.

**STUDENT RECORDS** (continued)

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 in the course of investigating student misconduct or as it pertains directly to school safety or to pupil safety. Per Education Code 49073.6, the District must first notify the student and parents/guardians about the proposed program. Any time after this notification, the District must offer an opportunity for public comment at a regularly scheduled Board meeting.

The regularly scheduled oral communications for non-agenda items meets this requirement. (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 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

200 State policy; purpose

220 Extent of prohibition of discrimination

234.1 Monitoring, review, and assessment of anti-discrimination, anti-harassment, anti-intimidation, and antibullying requirements

234.7 Citizenship or immigration status of pupils or their family members; confidentiality of information; emergency contact information; actions of governing board or body of local educational agency; model policies

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school district; notice to rescind decision to withhold

48980 Parental Notification

48985 Notice in parent/guardian primary language

49073.1 Contracts for digital storage, management, and retrieval of pupil records; requirements

49079.7 Fees or charges

49060-49078 Pupil records

**STUDENT RECORDS** (continued)

CODE OF REGULATIONS, TITLE 5

*430-438 Individual pupil records*

*16020-16028 Destruction of records of school districts*

GOVERNMENT CODE

*6252-6260 Inspection of public records*

FAMILY CODE

*3025 Joint custody*

FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

*20 U.S.C. 1232g*

CODE OF FEDERAL REGULATIONS, TITLE 34

*99.34 Conditions of disclosure*

*99.3 Definition of "personally identifiable" 300.612 General responsibilities of public agencies*

*300.613 Opportunity to examine records*

*300.624 Destruction of information*

*300.617 Fees*

Policy

adopted: August 18, 1997

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**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California