

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 1 of 12**

The County Superintendent of Schools believes that it is necessary to keep accurate, comprehensive student records. Student records of the San Diego County Office of Education include records of an identifiable student in the schools or programs operated by the County Superintendent of Schools, including the Juvenile Court and Community Schools, Outdoor Schools, and the Migrant Education, Special Education and Regional Occupational Programs.

The County Superintendent of Schools assigns responsibility for ensuring that students' records are properly managed, retained, and stored to the assistant superintendent, Student Services and Programs. The assistant superintendent, Student Services and Programs, shall be the custodian of student records (custodian of records). The custodian of records may delegate to staff authority to manage specific student records under their control in accordance with this regulation.

Information about a student shall be used judiciously and in ways that contribute to the student's welfare and protect the student and the student's family from invasion of privacy. Student records shall be treated as confidential and reviewed only by authorized employees, parents/guardians, or persons authorized by court order or as otherwise provided by law

Requirements for the retention, destruction, and transfer of student records are presented in Exhibit 1 and in Administrative Regulation 3560, Records Retention and Disposition.

DEFINITIONS

1. Parent/guardian means a natural parent, adoptive parent, or legal guardian. For the purposes of this administrative regulation, the term parent/guardian shall include any agency or individual holding the right to make educational decisions for the student and may include the student him/herself when the student has been granted that right in accordance with law.
2. Eligible student means a person 16 years or older who has completed grade 10.
3. Adult student means a person who is or was enrolled in school and who is at least 18 years of age or is emancipated in accordance with law.

CLASSIFICATION: Students

ADOPTED: 10/11/95

REVISED: 4/17/08

SUBJECT: Records

PAGE: 2 of 12

4. Student record or pupil record means any item of information directly related to an identifiable student, other than directory information, maintained by the County Superintendent of Schools or required to be maintained by a school employee in the performance of his/her duties, whether recorded in handwriting, print, tapes, film, microfilm, or by other means. The student record shall include the student's health record.

Student record or pupil record does not include informal notes related to a pupil compiled by a school 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. Substitute means a person who performs the duties of the individual who made the notes on a temporary basis and does not refer to a person who permanently succeeds the maker of the notes in his/her position.

5. School officials and employees include but are not necessarily limited to the County Board of Education and the administrators and certificated employees of the County Superintendent of Schools.
6. A legitimate educational interest is one held by officials and employees whose duties and responsibilities to the County Superintendent of Schools require that they have access to student records. The custodian of student records shall determine whether a person requesting access demonstrates that he/she has a legitimate educational interest.
7. Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

ACCESS TO STUDENT RECORDS

Access to student records shall be in accordance with Education Code sections 49069 and 49073 through 49077. Where requirements of the federal *Family Educational Rights and Privacy Act* conflict with the Education Code, the San Diego County Office of Education shall comply with the requirements of the Education Code.

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 3 of 12**

The custodian of records shall ensure the safety and security of student records at each location of the schools and programs operated by the County Superintendent of Schools and shall limit access to authorized individuals. All requests for access to student records shall be submitted to the custodian of records, who will evaluate and either grant or deny the request.

The grades, diploma, or transcripts of a student may be withheld from a student and his/her parent/guardian under specified conditions after affording the student due process rights.

Access to student records shall be granted during regular school hours and no later than five business days following the date of the request. The custodian of records shall prevent the alteration, damage, or loss of records during inspection. The custodian of records shall ensure that qualified certificated personnel are available to interpret records when requested and, when necessary, shall make an effort to arrange for interpretation in the dominant language of the parent/guardian.

Persons, agencies, or organizations specifically granted access rights pursuant to law shall have access to student records without prior written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within the educational institution, agency, or organization obtaining access, as long as they have a legitimate educational interest in the information.

The custodian of records shall ensure that parents/guardians are notified of specified disclosures of student information and requests for student records as required by law.

The custodian of records may release information from student records in accordance with law as follows:

Mandatory Access

The following persons or agencies shall have access to student records:

1. Parent/guardian, as defined and including non-custodial parents, unless evidence has been provided that there is a court order, state statute, or legally binding document that prohibits access.

CLASSIFICATION: Students

ADOPTED: 10/11/95

REVISED: 4/17/08

SUBJECT: Records

PAGE: 4 of 12

2. Adult students.
3. Natural or adoptive parents of dependent students age 18 or older who have a legitimate educational interest.
4. School officials and employees who have a legitimate educational interest.
5. School Attendance Review Board (SARB) members.
6. Other public schools or school systems, including specified correctional facilities in California where a student has enrolled or intends to or is directed to enroll.
7. Private schools or out-of-state schools where a student has enrolled or intends to enroll.
8. Federal, state, and county officials for program audit or compliance purposes.
9. Agencies specified by law, including foster family agencies with jurisdiction over currently enrolled or former students.
10. County placing agency for educational case management purposes.
11. Those so authorized in compliance with a court order or lawfully issued subpoena.

Permitted Access

The following persons or agencies may have access:

1. Appropriate persons in an emergency.
2. Agencies or organizations in connection with the application of students for, or receipt of, financial aid.
3. Accrediting associations.
4. Organizations conducting studies on behalf of the educational agencies as provided by law.

CLASSIFICATION: Students

ADOPTED: 10/11/95

REVISED: 4/17/08

SUBJECT: Records

PAGE: 5 of 12

5. Private schools or out-of-state schools (to mandatory interim and permitted student records).
6. The county elections official as permitted by law.
7. Those persons or agencies so authorized by custodial parent, guardian, or adult student.

Prohibited Access

A parent's FERPA rights of access to, or control of, student records may be revoked by a court order, state statute, or other legally binding document that prohibits access to education records or removes the parent's right to have knowledge about his/her child's education.

Access to student records by any agency, organization, or person not afforded mandatory or permitted access rights may be granted only through written permission of the student's parent/guardian, as defined, or by judicial order.

Parental consent must include the information to be released and the specific purpose of the release. If parents are divorced or legally separated, only the parent having legal custody of the student may authorize access to a student record. Either parent may grant consent if both parents notify the County Superintendent of Schools, in writing, that an agreement to this effect has been made. If a student reaches the age of 18 years or is attending a postsecondary school or is emancipated in accordance with law, he/she alone shall grant consent for the release of his/her records. The consent notice shall be permanently kept with the student record.

STUDENT RECORD LOG

For each student's record, the custodian of records shall keep a log identifying all persons, agencies, or organizations requesting or receiving information from the records and specifying the legitimate educational interest(s) of the requester, the time and circumstances of the inspection, and the records inspected. The log does not have to be signed by:

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 6 of 12**

1. Parents/guardians or adult students.
2. Students 16 years of age or older who have completed the tenth grade.
3. Parties obtaining San Diego County Office of Education directory information.
4. Parties who provide written parental consent.
5. School officials or employees determined to have a legitimate educational interest.

The log may be inspected by a parent/guardian, the custodian of records, and certain state/federal officials as provided by law.

FEE FOR REPRODUCING STUDENT RECORDS

Authorized individuals may submit a request for copies of a student record to the custodian of records. To provide copies of any student record, the County Superintendent of Schools shall charge a reasonable fee not to exceed the actual cost of reproducing, handling, and mailing (if necessary). The County Superintendent of Schools shall set the fee and update the amount if actual costs change (see Administrative Regulation 3560). If the cost of reproducing the records effectively prevents a parent/guardian from exercising the right to receive copies, pursuant to Education Code section 56504, copies shall be reproduced at no cost.

No charge shall be made to locate or retrieve any student record. No charge shall be made for furnishing up to two transcripts or up to two verifications of various records for any former student.

CHALLENGE TO STUDENT RECORDS

Following inspection and review, the parent/guardian of a student or former student may challenge the content of a student record or provide a written response to a record. The right to challenge becomes the right of the student when the student reaches 18 years of age or attends a post-secondary institution. A written request may be filed with the assistant superintendent, Student Services and Programs, or his/her designee to correct, remove, or expunge any information in the student record that is alleged to be:

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 7 of 12**

1. Inaccurate.
2. An unsubstantiated personal conclusion or inference.
3. A conclusion or inference outside of the observer's area of competence.
4. Not based on the personal observation of a named person with the time and place of the observation noted.
5. Misleading.
6. In violation of the privacy or other rights of the student.

Within 30 days of the receipt of a request, the assistant superintendent, Student Services and Programs, or his/her designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The assistant superintendent, Student Services and Programs, shall then sustain or deny the allegations. If the allegations are sustained, the assistant superintendent, Student Services and Programs, shall order the correction or removal and destruction of the information.

However, in accordance with Education Code section 49066 regarding grade changes, the assistant superintendent, Student Services and Programs shall not order a pupil's grade to be changed unless the teacher who determined the grade is, to the extent practical, given an opportunity to state orally, in writing, or both, the reasons the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade. In the absence of clerical or mechanical error, fraud, bad faith, or incompetency, the student's grade as determined by the teacher shall be final.

If the assistant superintendent, Student Services and Programs denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent may, within 30 days of the refusal, appeal the decision in writing to the County Superintendent of Schools.

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 8 of 12**

Within 30 days of receipt of an appeal, the County Superintendent of Schools shall meet with the parent/guardian and the certificated employee who recorded the information in question, if any, and if the employee is presently employed by the County Superintendent of Schools, and determine whether to sustain or deny the allegations.

If the County Superintendent of Schools sustains any or all of the allegations, he/she shall order the assistant superintendent, Student Services and Programs, to immediately correct or remove and destroy the information from the written records of the pupil, and so inform the parent/guardian in writing. However, in accordance with Education Code section 49066, the County Superintendent of Schools shall not order a pupil's grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade. In the absence of clerical or mechanical error, fraud, bad faith, or incompetency, the student's grade as determined by the teacher shall be final.

The decision of the County Superintendent of Schools shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the County Superintendent of Schools, unless the parent/guardian initiates legal proceedings relative to the disputed information within the prescribed period.

If the final decision of the County Superintendent of Schools is unfavorable to the parent/guardian, or if the parent/guardian accepts an unfavorable decision by the assistant superintendent, Student Services and Programs, the parent/guardian shall be informed and shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until the information objected to is corrected or removed.

To assist in making determinations regarding the challenge of content of student records, the assistant superintendent, Student Services and Programs, or the County Superintendent of Schools may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant student's record to the members of the panel:

CLASSIFICATION: Students

ADOPTED: 10/11/95

REVISED: 4/17/08

SUBJECT: Records

PAGE: 9 of 12

1. The principal or administrative head of a public school other than the public school at which the record is on file.
2. A certificated employee appointed by the chairman of the certificated employee council of the County Superintendent of Schools, or, if no such council exists, a certificated employee appointed by the parent.
3. A parent appointed by the assistant superintendent, Student Services and Programs, or by the County Superintendent of Schools, depending upon who convenes the panel.

The persons appointed shall, if possible, not be acquainted with the student, his/her parent/guardian, or the certificated employee who recorded the information, except when the parent/guardian appoints that person.

The principal or administrative head appointed to the hearing panel shall serve as its chairperson. The hearing panel shall, in closed session, hear the objections to the information of the parent/guardian and the testimony of the certificated employee who recorded the information in question, if any, if the employee is presently employed by the County Superintendent of Schools.

The hearing panel shall be provided with verbatim copies of the information that is the subject of the controversy. Written findings shall be made setting forth the facts and decisions of the panel, and the findings shall be forwarded to the assistant superintendent, Student Services and Programs, or the County Superintendent of Schools, depending upon who convened the panel. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

RELEASE OF DIRECTORY INFORMATION

The release of directory information shall require the authorization of the assistant superintendent, Student Services and Programs, or his/her designee. Directory information that may be disclosed consists of the following:

1. Student's name, address, and telephone number.

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 10 of 12**

2. Date and place of birth.
3. Major or field of study.
4. Participation in officially recognized activities and sports.
5. Weight and height of athletic team members.
6. Date(s) of attendance.
7. Degrees and awards received.
8. Most recent public or private previous school attended by the student.

Military recruiters shall have access to a student's name, address, and telephone number, subject to a parent's/guardian's request, under the No Child Left Behind Act, not to disclose such information without written consent.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and when approved by the assistant superintendent, Student Services and Programs, or his/her designee, to representatives of the news media.

Based on his/her determination of the best interest of the student, the assistant superintendent, Student Services and Programs, or his/her designee, may limit or deny the release of specific directory information.

Private schools and colleges may be given the names and addresses of twelfth grade students and students who are no longer enrolled provided the information is not used for other than purposes directly related to academic or professional goals and provided the release is in accordance with law.

Directory information shall not be released regarding any student whose parent/guardian has notified the County Superintendent of Schools in writing, that this information may not be disclosed.

CLASSIFICATION: Students**ADOPTED: 10/11/95****REVISED: 4/17/08****SUBJECT: Records****PAGE: 11 of 12**

NOTIFICATION OF PARENTS

Upon initial enrollment of a student and at the beginning of each school year thereafter, the assistant superintendent, Student Services and Programs, or his/her designee shall notify parents/guardians of their rights related to student records. Insofar as practicable, the notification shall be in the student's home language. The notice shall include:

1. The types of pupil records maintained and the information contained therein.
2. The titles of the employees responsible for the maintenance of each type of record.
3. The location(s) of official pupil records and pupil record logs.
4. The County Superintendent of Schools' criteria for defining school officials and employees and for determining legitimate educational interest.
5. The right to inspect student records and the procedures for doing so.
6. Procedures for challenging, requesting an amendment to, or expunging the content of a pupil record.
7. The cost charged for duplicating records.
8. The categories of information that may be released as directory information and to whom and the procedures for exercising the following rights:
 - a. The ability to request that a specified category of directory information not be released.
 - b. The ability to request that the name, address, and telephone number of a student not be released to military recruiters, employers, or institutions of higher education.

CLASSIFICATION: Students

ADOPTED: 10/11/95

REVISED: 4/17/08

SUBJECT: Records

PAGE: 12 of 12

9. The practice of forwarding education records, upon request, to other agencies or institutions in which the student seeks or intends to enroll.
10. The right to file a complaint with the Family Policy Compliance Office, U.S. Office of Education, concerning an alleged failure by the County Superintendent of Schools to comply with the provisions of the Family Educational Rights and Privacy Act.
11. Any other rights and requirements set forth in Education Code sections 49060 through 49078.
12. The availability of a curriculum prospectus containing the titles, descriptions, and instructional aims of the courses offered.

Administrative Regulation: 3560

Derivation: Adopted 10/11/95. Amended 7/23/96, 4/17/08.

Legal Reference: Education Code
48904 - 48905, 49060 - 49079, 56504
Family Code
7000 et seq.
Health and Safety Code
120440
Welfare and Institutions Code
3025
California Code of Regulations, Title 5
430 et seq., 16020 et seq., 17401
United States Code, Title 10
503
United States Code, Title 20
1232g, 7908
Code of Federal Regulations, Title 34
Part 99, 300.610 - 300.627

PERMANENT, INTERIM, AND PERMITTED PUPIL RECORDS

MANDATORY PERMANENT	MANDATORY INTERIM	PERMITTED
<u>Minimum</u>	<u>Examples</u>	<u>Examples</u>
Legal name Date of birth Verification of birth date Sex Place of birth Name and address of parent - student's residence if different - annual verification Dates of all enrollments Subjects taken Grades and credits toward graduation Immunizations/exemptions Date of high school graduation or equivalent California High School Exit Exam (CAHSEE)	Access log Health records Special education programs - tests - forms - case studies - authorizations and actions - Individual Education Program Language training records Progress reports Directory Information prohibitions Rejoinders to records Other parental authorizations or prohibitions Standardized tests less than 3 years old Work permits/permits to employ Absence slips and verifications Suspension notices/expulsion records Independent Study evaluations/findings	Objective staff ratings Standardized test results more than 3 years old Routine disciplinary data Behavior observations Routine disciplinary notices Attendance records not otherwise required Directory Information (content and access determined by policy and Education code 49073)
<u>Transfer of Record</u>	<u>Transfer of Record</u>	<u>Transfer of Record</u>
Mandatory To California public schools including charter schools To private schools To out-of-state public schools Keep original or copy	Mandatory To California public schools including charter schools (including number of days of suspension and expulsion record) Optional To private schools To out-of-state public schools	Optional To California public schools including charter schools To private schools To out-of-state public schools
<u>Destruction of Record</u>	<u>Destruction of Record</u>	<u>Destruction of Record</u>
Becomes a Class 1/Permanent record	Continuing record until student transfers/leaves or usefulness ceases, then classified as permanent or disposable	Continuing record until student transfers/leaves or usefulness ceases, then destroyed in accordance with established policy
Maintained in perpetuity	Destroyed 3 years following the date of origin	Must be destroyed if not forwarded. May be immediately destroyed

Note: Directory Information and informal notes kept solely for personal use are not records according to Education Code section 49061. Access to all records, mandatory permanent, mandatory interim and permitted, is in accordance with Education Code sections 49069, 49073 – 49077.