

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5010: PUPIL RECORDS - CONFIDENTIALITY

- A. In collecting, maintaining and disseminating pupil record information, the school administration shall establish safeguards to protect the pupil and the pupil's family from an invasion of privacy. The Superintendent or designee shall make recorded information accessible only to those legally entitled to review it.
- B. Where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) conflict with similar rights under the California Education Code, the District shall comply with the more restrictive requirements.
- C. For the purposes of this Policy:

"Parent" means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others. Either parent may grant consent if both parents notify the District, in writing, that such an agreement has been made. Once a pupil reaches the age of eighteen (18), or is attending a post-secondary school, he/she alone shall exercise all of the rights under this Board Policy including the right to grant consent for the release of records. Access to pupil records and information shall not be denied to a parent because he/she is not the pupil's custodial parent.

"Pupil record" means any item of information, other than directory information, which is directly related to an identifiable pupil and maintained by the District or required to be maintained by a District employee. Such information may be recorded in handwriting, print, tapes, film, microfilm or by other means. The pupil record shall include the pupil's health record. "Pupil record" shall not include informal notes about a pupil which a school employee keeps for private use or for use by a substitute employee.

"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.

- D. As required by law, parents of currently enrolled or former pupils shall be permitted to inspect and review pupil records. Such access shall also be given to adult pupils (18 or older) and to pupils sixteen (16) or older who have completed the tenth grade.
- E. The Superintendent or designee shall act as custodians of records for pupils enrolled in the District.

F. Access to Pupil Records

1. Although pupil records are confidential, access to the records may be granted in compliance with state and federal laws. Certificated personnel will be provided to interpret records where appropriate. All persons requesting access to pupil records shall be required to provide identification demonstrating the right to access.
2. Parents of currently enrolled or former pupils as defined in paragraph C herein have an absolute right to access to any and all pupil records related to their children which are maintained by the District.
3. Information concerning a pupil shall be furnished in compliance with a court order or a lawfully issued subpoena. The District shall make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully and reasonably possible within the requirements of the order.
4. Information specific to a particular pupil's identify and location that relates to the transfer of that pupil's records to another school district within this state or any other state, or to a private school in this state, shall be provided by the District to law enforcement upon request when a proper police purpose as defined in Section 49076.5 of the Education Code.
5. Third parties identified in Education Code section 49076 are entitled to access and to copies of pupil records without written parental consent.
6. For each pupil's record, the Superintendent, or Superintendent's designee shall require that a log be kept identifying all persons or agencies who request or receive information from the record, together with the time and reason why access was granted or denied, and a notation if copies are made. The log may be inspected by a parent, the school custodian of records, and certain state/federal officials as specified in Education Code section 49064.

The log need not include:

Parents or adult pupils (age 18 or older).

Pupils sixteen (16) years of age or older who have completed the tenth grade.

Parties obtaining only directory information, in accordance with District policy.

Parties who provide written parental consent. In such case, the consent notice

shall be filed with the record. Written consent shall not apply to school lunch applications and related information which shall be retained by the District in the manner most useful to the administration of the school lunch program.

School officials or employees who have legitimate educational interests.

7. The log shall be open to inspection only by a designated custodian of records, parent, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined by federal law and state educational authorities as a means of auditing the operation of the system.
- G. Requests by parents for access to pupil records shall be granted no later than five (5) working days after the request.
- H. All pupil records forwarded from the District that require prior written consent for release shall include a statement indicating that the information is released solely to the individual or agency specified in the consent form and no other individual agency may be provided access or copies of the record(s) without the written consent of the parent.
- I. Directory Information as defined in Board Policy 1002 may be released regarding a pupil unless the parent or guardian notifies the District in accordance with Board Policy 1002 that such information may not be released.

Legal Reference:

Education Code sections

- 49061 Definition
- 49064 Log of Persons and Organizations Requesting or Receiving Information
- 49069 Absolute Right to Access
- 49072 Right to Include Statement or Response to Disciplinary Actions
- 49075 Access to Records by any Person With Written Parental Consent
- 49076 Access to Records by Persons Without Written Parental Consent or under Judicial Order
- 49076.5 Peace Officer Record Access; Pupil Kidnaping; Offense; Criminal or Civil Liability
- 49077 Disclosure of student information; compliance with Court Order or Lawfully Issued Subpoena; Notification of Pupil and Guardian

California Code of Regulations, Title 5 sections 430-438;

Family Educational Rights & Privacy Act, 20 U.S.C. section 1232(g)

Code of Federal Regulations, Title 34, Part 99, sections 99.1-99.67

Title 34 Code of Federal Regulations, Part 300, sections 300.500-300.577

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