

K. STUDENT RECORDS / ACCESS TO AND RELEASE OF INFORMATION

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law (Public Law 93-380 (Family Education Rights and Privacy Act of 1974 [FERPA] and Education Code Sections 49060-49078.) The Superintendent/designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

The Superintendent/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/certificated designee shall act 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.

(Revised 6/03)

Administrative Procedures

1. **Definitions**

- a. **Privacy of Information.** *Privacy of information means ensuring that confidential information contained in students' records is not disclosed without consent of the parent or a student 18 years of age or older, unless such disclosure is otherwise required by law.*
- b. **Confidentiality.** *Confidentiality refers to the obligation of those who have access to student records to disclose or transmit information only to those parties listed in 7d (Release of Information).*
- c. **Access.** *Access means a personal inspection and review of a student record or an accurate copy of a student record, or receipt of an accurate copy of a student record, or an oral description or communication of a student record.*
- d. **Parent.** *Parent means a natural parent, an adoptive parent or a legal guardian.*
- e. **Student Record.**
 - 1) *Student records include a range of information that is:*
 - a) *Directly related to a student*
 - b) *Recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche*
 - c) *Maintained by education agencies or institutions, or by parties acting for the agency or institutions*
 - d) *Including but not limited to:*
 - (1) *Family information, such as name and address of the student, parent, emergency contact information, date and place of birth, number of siblings*
 - (2) *Personal information, such as identification code, social security number, picture, or list of personal characteristics that would make it easy to identify a student*
 - (3) *Grades, test scores, courses taken, academic specializations and activities, and official letters about a student's status in school*
 - (4) *Test records, answer sheets (including written responses to performance assessments and portfolios) and records of individualized education programs*
 - (5) *Special education records*
 - (6) *Disciplinary records established and maintained by school officials*
 - (7) *Medical and health records that the school collects and maintains*
 - (8) *Documentation of schools attended, courses taken, attendance, awards conferred and degrees earned*
 - (9) *Video tape recordings of individuals or groups of students*
 - 2) *A student record shall not include informal notes related to a student compiled by a school officer or employee, which remain in the sole possession of the maker and are not accessible or revealed to any other person (except a substitute who is temporarily performing the duties of that school officer or employee).*
- f. **Directory Information** *is part of the student record that may be disclosed pursuant the Student Records/Access to and Release of Information policy. Directory Information means one or more of the following:*

- 1) *Student/parent name*
- 2) *Address*
- 3) *Telephone number*
- 4) *Date and place of birth*
- 5) *Electronic mail address (E-mail)*
- 6) *Major field of study*
- 7) *Participation in school activities and sports*
- 8) *Weight and height of members of athletic teams*
- 9) *Dates of attendance*
- 10) *Diplomas and/or awards and honors received*
- 11) *Most recent previous school attended by student*

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- g. **Legitimate educational interest.** *A school official or employee's legitimate educational interest refers to his or her assigned responsibility relating directly to a student's instruction, placement in grade, class or special program, discipline, assessment of aptitude and/or achievement, counseling, guidance and the clerical tasks necessary to carry out these responsibilities.*
- h. **School officials/employees** *are defined as Board members, the district's legal counsel or district employees charged with responsibilities that qualify as legitimate educational interest.*

2. **Prohibition**

- a. *It is the policy of this Board that student records available to school personnel shall be confidential and that the rights of students and parents to privacy of such records shall be observed. The granting of access to student records to any person or organization is forbidden, except as specifically provided by law and this policy.*
- b. *Requests for student records from persons or organizations not specifically covered by this policy shall be referred to the Superintendent/designee.*

3. **Maintenance, Retention and Destruction of Records**

Student records shall be established, maintained, and destroyed according to the regulations of this policy and as specified in the California Administrative Code (and revisions thereof), Title V, Part I, Division II, Chapter 2, beginning with Section 400 (and revisions thereof).

4. **Miscellaneous Provisions**

- a. **Access Log.** *A log shall be maintained in each student's cumulative record listing all persons or organizations requesting or receiving information from the record. The log shall be open to inspection only by a parent or student 18 years of age or older, and the school official/designee responsible for the maintenance of printed student records. The following types of access should not be listed in the Access Log:*
 - 1) *School officials/employees.*
 - 2) *The student and the student's parents.*
 - 3) *Directory information released pursuant to the Student Records/Access to and Release of Information policy.*
 - 4) *Access pursuant to a court order or subpoena if the issuing agency orders that the existence of the subpoena or the information furnished in response not be disclosed.*
- b. **Charges.**
 - 1) *The following shall be made available free of charge:*
 - a) *Two transcripts for a former student, or*
 - b) *Two verifications of records for a former student, or*
 - c) *Two transcripts for a current student.*
 - 2) *A fee will be charged per transcript or per verification for every copy in excess of the above allowance.*
 - 3) *The district may charge a fee per page to furnish portions of a former or current student's record other than transcripts or verifications.*
- c. **Disciplinary Record.** *Whenever there is included in any student record information concerning any disciplinary action taken by school personnel in connection with a student, the school maintaining such records shall allow the student's parent to include in such student record a written statement or response concerning the disciplinary action.*

5. **Transfer of Records**

- a. **Transfer of Records to District.** *When a student transfers to the Palo Alto Unified School District, the student's permanent enrollment and scholarship record, or a copy thereof, shall be requested from the previous school or school district. The school or district employee requesting such a transfer of record shall notify the parent of his/her right to review the record and his/her right to challenge the content of the record.*
- b. **Transfer of Records from District.** *When a student transfers from the Palo Alto Unified School District, the student's permanent enrollment and scholarship record shall be updated and transferred to the new school district or private school upon request.*

6. **Rights of Parents – Access and Challenge**

- a. **Right to Access.** *Parents, including those divorced or separated, shall have the right of access to all student records relating to their children maintained by this district, except that only the parent having legal custody may challenge the content of the record, offer a written response or consent to release of records to others. However, if both parents have notified the district in writing of an agreement between themselves that either parent may grant consent for release of a record, the agreement will be honored by the district.*

- b. **Initiation of Request and Access Procedure.**

- 1) *The parent of a student shall have access to, or if requested, a copy of that student's record within 5 days of a written or oral request. The district must request verification of identity before a student's educational records are released.*
- 2) *It is desirable, though not required, that an administrator/certificated designee be present to interpret and explain the records to the parents.*

- c. **Challenge by the Parent.**

- 1) *Upon inspecting and reviewing his/her child's record, the parent of a student or former student may challenge the content of the student record on one or more of the following grounds, by alleging:*
 - (a) *inaccuracy, or*
 - (b) *unsubstantiated personal conclusion or inference, or*
 - (c) *a conclusion or inference outside of the observer's area of competence, or*
 - (d) *data is not based upon the personal observation of a named person with the time and place of the observation noted, or*
 - (e) *information/conclusions are misleading, or*
 - (f) *violations of the student's privacy or other rights.*

The building principal/designee is authorized to modify the record in a fashion responsive to the challenge if, in his/her judgment, the criticism is appropriate. In the event of a persistent disagreement over an entry in the record, the parent shall forward, in writing, a statement of the challenge to the district Superintendent.

- 2) *Within thirty days of receipt of such request, the Superintendent/designee shall meet with the parent and the certificated employee (if any) who recorded the information in question (if such employee is presently employed by the school district). The Superintendent shall then sustain or deny the allegations.*
- 3) *If the Superintendent sustains the allegations, s/he shall order the correction or the removal and destruction of the information.*
- 4) *If the Superintendent denies the allegations and refuses to order the correction or removal of the information, the parent may, within thirty days of the refusal, appeal the decision in writing to the Board. (The Superintendent or governing board may use a hearing panel should it so desire under the procedure for challenging the contents of student records.)*
- 5) *Within thirty days of receipt of such an appeal, the Board shall meet in Closed Session with the parent and the certificated employee (if any) who recorded the information in question and determine whether or not to sustain or deny the allegations.*
- 6) *If the Board sustains any or all of the allegations, it shall order the Superintendent to correct or remove and destroy the information from the written records of the student.*
- 7) *The decision of the Board shall be final.*

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- 8) *Records of the administrative proceeding shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board unless the parent initiates legal proceedings.*
 - 9) *If the decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the right to submit a written statement of his objections and said statement shall become a part of the student's school record.*
 - d. **Right to File Complaint.** *The parent or eligible student has a right to file with the U. S. Department of Education a complaint under paragraph 99.64 of the Family Educational Rights and Privacy Act ("FERPA") concerning alleged failures by the district to comply with federal regulations concerning student records.*
 - e. **Notification to Parents of Rights.** *The district shall notify parents of their rights to access and challenge student records as specified in Education Code Section 49063.*
7. **Privacy of Student Records**
- a. **Directory Information**
 - 1) *Directory information shall not be released if a parent or adult student has notified the school district in writing that such information relative to that particular student shall not be released.*
 - 2) *A parent or adult student must notify the school district of his/her written prohibition within thirty days (30) of the receipt of the annual notification of parents' and students' rights.*
 - 3) *School officials may deny the release of specific directory information if the release of such information is deemed contrary to the best interest of the student.*
 - 4) *Directory information shall not be disclosed to private or profit-making entities other than those mentioned below.*
 - 5) *Unless a parent or adult student specifically denies permission, directory information may be released to:*
 - a) *The PTA or any other parent or citizens' group which, in the opinion of the district, is using the information to promote the welfare of the students of the district.*
 - b) *Requesting private schools or post-secondary schools.*
 - c) *Representatives of the news media.*
 - d) *Employers and prospective employers.*
 - e) *State or local law enforcement officers, including a probation officer, parole officer or administrator seeking information in the course of his duties.*
 - f) *An officer or employee of a federal, state or county agency seeking information about a minor in the course of his duties.*
 - g) *Requesting representatives of PAUSD alumni groups who are planning secondary school reunions.*
 - h) *Representatives of military services.*
 - b. **Statistical Data.** *Statistical data from which no student may be identified may be released to any public agency or entity or private, non-profit college, university or educational research and development organization when the school official deems that such actions would be in the best educational interest of students.*
 - c. **Access without Consent, Judicial Order, or Subpoena.** *Access to student records by any person or organization without written parent consent or judicial order is forbidden, except that access to these particular records relevant to the legitimate educational need of the requester shall be permitted to the following:*
 - 1) *Any person for whom a parent or parents of the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The consent notice shall be permanently kept with the record. The recipient must be notified that the transmission of the information to others is prohibited without written consent.*
 - 2) *School officials, employees of the district and a member of the School Accountability Review Board (SARB), provided that any such person has a legitimate educational interest to inspect the record.*
 - 3) *Officials and employees of other public schools or school systems and/or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to, or is directed to, enroll.*

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- 4) *Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials or their respective designees, or the United States Officer for Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation and enforcement of federal legal requirements.*
 - 5) *Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974. Verification of the official's authority to require this information may be required.*
 - 6) *Parents of a student 18 years of age or older who is dependent as defined in Section 152 of the Internal Revenue Code of 1954.*
 - 7) *A student 16 years of age or older or having completed the tenth grade who requests such access.*
 - 8) *Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5 or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.*
 - 9) *A prosecuting attorney for consideration against a parent for failure to comply with the Compulsory Education Law or with Compulsory Continuation Education.*
 - 10) *Any probation officer of district attorney for the purposes of conducting a criminal investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.*
 - 11) *Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. If the district releases pupil information pursuant to this section, the district shall inform or provide written notification to the parent of the pupil within 24 hours of the release of the information.*
- d. **Release of Information.** *Information from student records may be released to the following:*
- 1) *Directory information as per sections 1-f and 7-a.*
 - 2) *Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health, safety or welfare of a student or other persons. Any release pursuant to this section shall be reported to the Superintendent as soon as is practicable.*
 - 3) *Agencies or organizations in connection with the student's application for, or receipt of, financial aid.*
 - 4) *Accrediting associations in order to carry out their accrediting functions.*
 - 5) *Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents, and if such information will be destroyed when no longer needed for the purposes for which it is conducted.*
 - 6) *Officials and employees of private schools or school systems where the student is enrolled, or intends to enroll. Such information shall be in addition to the student's enrollment and scholarship records that may be transferred pursuant to Section 5.*
 - 7) *Public or private contracted business associates (statistical, database, etc.) who have a relationship with the district and have a need to know in order to perform the functions required by the contract with the district. Each public or private contracted business associate must sign a confidentiality agreement verifying that they will appropriately safeguard and maintain the integrity of data for all student information. Student data is the property of Palo Alto Unified School District. Any agency or institution that inappropriately re-releases personally identifiable information from an education record shall not have access to education records for five years.*

e. Judicial Orders/Subpoenas.

- 1) *Information concerning a student shall be furnished pursuant to a court order or a lawfully issued subpoena. The school employee who complies with the judicial order or subpoena shall make a reasonable effort to notify the parent and the student in advance of compliance, unless such notification would violate the requirements of a court order.*
- 2) *The service of a subpoena upon a public school employee solely for the purpose of causing him to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school office.*
- 3) *A copy of the record shall be in the form of a data file, photostat, microfilm, microcard or miniature photograph or other photographic copy or reproduction, or enlargement thereof.*

8. **Locations of Student Records.** *The principal at the school in which the student is enrolled maintains individual student print cumulative records. When students leave the district at the elementary level, the Supervisor of Central Attendance maintains their print cumulative records in the District Office at 25 Churchill Avenue. When students leave the district at the secondary level, their print cumulative records are maintained at their last school of attendance for five years and are then forwarded to the Supervisor of Central Attendance in the District Office at 25 Churchill Avenue.*

Individual student electronic records are stored on the Student Data Management System. When students leave the district, electronic records are archived in an electronic format at 25 Churchill Avenue and maintained in the District Office fireproof vault.

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