Principal is Responsible for School Policies

“The principal of each school or a certificated designee shall be responsible for the implementation of board and district policies relating to pupil records maintained in that school.”

(California Code of Regulations, Title 5, Sec. 431(b))
Basic procedures for confidential information:

1. Maintain all records in a locked filing cabinet or room.
2. Files should not be left out unattended. The public should not be able to view any student information including student’s names on files, binders or documents.
3. Individual files are to be checked out using an insert that identifies the student, the date, and person accessing the files.
4. Use initials or first name and last initial when possible.
Basic procedures for confidential information:

5. Files moving between sites need to be clearly marked confidential and tracked as to when they were sent by whom and when received.

6. All records sent outside of NUSD need to have documentation as to sending and receiving information.

7. Files kept by educators with confidential information also need to be treated with the same process to protect the information.
McKinney-Vento 2001 Students Living in Homeless Rights

(1) Immediate enrollment even without proof of residency, immunizations, school records, or other papers;
(2) Stay in their school even if they move;
(3) Get transportation to school;
(4) Go to pre-school programs;
(5) Get all the school services they need;
(6) Have disagreements with schools settled quickly; and go to the school they choose while disagreement is settled.
Immunizations

Parents or guardians of students in any school or child-care facility, whether public or private, are no longer allowed to submit a personal beliefs exemption to a currently-required vaccine. Children with a valid personal beliefs exemption filed before 2016 who enter a new grade span (K-5, 6-8, or 9-12) must comply.
Section 49068.5

Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil (a) transfers from one school district to another, (b) transfers to an elementary school within the same district, (c) transfers from one private elementary school to another, (d) transfers from a private elementary school to a public elementary school, or (e) transfers from a public elementary school to a private elementary school, the principal of the school that child enters or to which he or she transfers is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to Section 14201 of the Penal Code.
Missing Children Laws

Education Code 38319

a. Public primary schools shall post at an appropriate area restricted to adults, information regarding missing children provided by the Department of Justice pursuant to Section 14208 of PC.

b. Public secondary schools shall post at an appropriate area information regarding missing children provided by the Department of Justice pursuant to Section 14208 of PC. AM. 1999
Missing Children Laws

• Education Code 49068.6

(b) Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child’s school record. For public schools this shall be in addition to the posting requirements set forth in Section 38139.

(d) If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child’s status.
In 2013, California passed **Assembly Bill 1266**, which permitted transgender students to use school facilities and participate on organized sports teams that aligned with their gender identity, regardless of what was listed on their birth certificate and other records. This bill also **requires schools to respect the desired identity of transgender students on campus**.

Aeries has modified existing name and gender fields on the student demographics page to reflect a student’s preferred name and gender while maintaining the ability to use a student’s legal name and gender where required by state and federal law. Moreover, through security settings, only those users with valid permission settings will know that a student has a discrepancy between their preferred name/gender and legal name/gender.
Residency

Education Code 48204.1
A school district shall accept from the parent or legal guardian of a pupil reasonable evidence that the pupil meets the residency requirements for school attendance in the school district as set forth in Sections 48200 and 48204. **Reasonable evidence** of residency for a pupil living with his or her parent or legal guardian shall be established by documentation showing the name and address of the parent or legal guardian within the school district, including, but not limited to, any of the following documentation:

- Property tax payment receipts
- Rental property, contract, lease, or payment receipts
- Utility service contract, statement, or payment receipts
- Pay stubs
- Voter registration
- Correspondence from a government agency
- Declaration of residency executed by the parent or legal guardian of a pupil
California school districts are required to verify that students meet the residency and age requirements for school attendance, but they may *not* do so in a way that would discourage undocumented families from enrolling in and attending public schools. School districts may not require information about citizenship status, information about entry date into the U.S., Social Security numbers, or a birth certificate for registration. These documents and information are unnecessary to establish residency and may discourage undocumented students from enrolling.
Birth Certificate

• Although districts may require proof of age to verify that a student meets the minimum age requirement to enroll in school and may request a birth certificate, districts may not require a birth certificate, which undocumented students may lack or which indicate a foreign place of birth. Districts must allow methods of proving residency and age-eligibility that do not directly or indirectly require families to share their immigration status to enroll students in the district, such as a baptismal certificate or parent affidavit.
Primary Language

• Education Code 48985

When 15 percent or more of the pupils enrolled in a school in speak a single primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or district shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language.

Note: this includes due process letters, suspension, and expulsion forms.
SB 1455

Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is a pupil whose parent is transferred or is pending transfer to a military installation within the boundaries of the school district while on active military duty pursuant to an official military order.

• (c) A school district shall accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school district, and course registration for pupils described in subdivision (b).

• (d) (1) The parent shall provide proof of residence within 10 days after the published arrival date provided on official documentation.
Residency Evidence: Military

• (2) For purposes of paragraph (1), a parent may use any of the following addresses as related to his or her military move:
  
  • (A) A temporary on-base billeting facility.
  
  • (B) A purchased or leased home or apartment.
  
  • (C) Federal government or public-private venture off-base military housing.
Family Code 6550
Authorizes a caregiver 18 years of age or older who completes items 1-4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent to school-related medical care on behalf of the minor.
Caregiver Limitations

The affidavit addresses school enrollment, work permit request, and emergency medical treatment (ONLY).

Note: The caregiver will not be allowed to access the student’s record.
Access to Records

Access to parents shall be provided within **five business** days, during school hours. (Education Code 49069)

Access to student records and information **shall not be denied to a parent because he/she is not the child’s custodial parent.** (Family Code 3025)

Certificated personnel will be available to interpret records where appropriate. (Title 5, Section 431)
Persons, agencies, or organizations not afforded access rights may be granted access only through written permission of the adult student or the parent. (Education Code 49075)

Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or adult student (age 18 or older). (Education Code 49076)

Note: All NUSD partners have a signed MOU on file and NUSD FERPA laws apply to all partners. HIPPA and FERPA cannot be applied to the same event simultaneously. In general, within schools FERPA is the default standard to services on campus.
Partners Access to Records

School officials in the same district with a “legitimate educational interest” may see the records without parent consent. So can:
(a) School officials in another school system in which the student intends to enroll
(b) Various State and national educational agencies when enforcing federal laws
(c) Anyone to whom the school must report information as required by State statute
(d) Accreditation and research organizations helping the schools
(e) Student financial aid officials
(f) Those with court orders or subpoenas (41 CFR 99.31)
(g) During State monitoring activities
Probation Officers Access to Records

When probation officers are conducting their investigation of the case of any child convicted of a delinquent act, schools must disclose certain educational information to probation officers. This includes information related to a student’s overall attendance, academic and discipline history, the student’s educational status (e.g., regular, special education, 504 plan), any history of expulsion, grade retention and/or social promotions, and specialized school placements. **Schools may disclose information to the juvenile probation officer when the juvenile probation officer presents a valid Authorization to Release Information signed by the parent/guardian. Information may also be disclosed pursuant to a lawfully issued subpoena or valid court order.**
Family Educational Rights Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99, permits educational agencies and institutions to disclose a student’s education records, without parental consent, to a caseworker or other representative of a State or local child welfare agency or tribal organization authorized to access a student’s case plan “when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student.”
Age of Majority

• When a student reaches age of majority, the rights accorded to, and consent required of, parents under FERPA transfer from the parents to the student. (FERPA 99.5)

• While FERPA permits students to see their own records if they are over 18, there are some records that can be withheld:
  (1) Psychiatric or “treatment” records (Students can, however, request that a doctor of their choice review the record for them.)
  (2) Financial records of their parents—Reference 41 CFR 99.12

Parents/Guardians of students over 18 if student is a dependent adult are given access rights to student records.
The school is required to keep a list of everyone who requests and receives information with the records themselves. Parents have a right to this information. The list needs not include school employees who have seen the records. Reference 41 CFR 99.32
Something isn’t right?

• First, the parents request that such information be removed and state the reason for the request. If the school refuses to do so, then the parent can request a school hearing. The request should be put in writing and sent to the appropriate school official. At the very least, the parent can request the school insert their written statement explaining reasons why they believe the records are inaccurate.

Transfer

• Education Code 49068

(b) If a pupil transfers from one public school to another or to a private school to a public school within the state, the pupil permanent record or a copy of it shall be transferred by the former public school or private school no later than 10 schooldays following the date the request if received from the public school or private school where the pupil intends to enroll.
Basic procedures for SPED information:

Special Education information and material to be included in the student record file:

- Copies of IEPs
- Assessment plans, reports,
- Communication to and from parents, including all mandatory information,
- Transition plans (included as necessary),
- Behavior intervention plans (included as necessary), and
- Psycho-educational reports
Mandatory

ALL CUMULATIVE FOLDERS MUST CONTAIN FOR ALL STUDENTS
• Each school district shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every pupil who was enrolled in a school program within said district.

The mandatory permanent pupil record or a copy thereof shall be forwarded by the sending district upon request of the public or private school in which the student has enrolled or intends to enroll.

(a) No additions except routine updating shall be made to the record after high school graduation or permanent departure without the prior consent of the parent or adult pupil.

(b) Mandatory permanent pupil records shall be preserved in perpetuity by all California schools according to Chapter 2, Division 16, Part I.
“Mandatory Permanent Pupil Records”

- (A) Legal name of pupil.
- (B) Date of birth.
- (C) Method of verification of birth date.
- (D) Sex of pupil.
- (E) Place of birth.
- (F) Name and address of parent of minor pupil.
- (G) Address of minor pupil if different than the above.
“Mandatory Permanent Pupil Records”

Also, an **annual verification** of the name and address of the parent and the residence of the pupil.

- Entering and leaving date of each school year and for any summer session or other extra session.
- Subjects 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.
Mandatory Interim

ALL CUMULATIVE FOLDERS MUST CONTAIN IF APPLICABLE
Mandatory Interim Pupil Records are compiled and maintained for stipulated periods of time and are then destroyed as per California statute or regulation. Unless forwarded to another district, mandatory interim pupil records may be adjudged to be disposable when the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with Section 16027 of this title during the third school year following such classification.
“Mandatory Interim Pupil Records”

(A) **A log** or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record.

(B) **Health information**, including Child Health Developmental Disabilities Prevention Program verification or waiver.

(C) Participation in **special education** programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge. (IEP, 504, SST)
“Mandatory Interim Pupil Records”

- (D) **Language** training records: ELD assessments
- (E) **Progress slips** and/or notices as required by Education Code Sections 49066 and 49067.
- (F) **Parental restrictions** regarding access to directory information or related stipulations.
- (G) Parent or adult pupil rejoinders to challenged records and to disciplinary action.
- (H) Parental authorizations or prohibitions of pupil participation in specific programs.
- (I) **Results of standardized tests** administered within the preceding three years.
Permitted Records

ALL CUMULATIVE FOLDERS MAY CONTAIN IF APPLICABLE
“Permitted Records” are those pupil records which districts may maintain for appropriate educational purposes. They are destroyed when student is no longer enrolled in NUSD.

Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil’s completion of or withdrawal from the educational program. The method of destruction shall assure that records are not available to possible public inspection in the process of destruction.
“Permitted Records”

- (A) Objective counselor and/or teacher ratings.
- (B) Standardized test results older than three years.
- (C) Routine discipline data.
- (D) Verified reports of relevant behavioral patterns.
- (E) All disciplinary notices.
- (F) Attendance records not covered in the Admin Code Section 400.
• The student’s cumulative record folder is the permanent legal document that must be kept current, available, confidential and secure. The electronic records must contain the same information. The pupil’s cumulative record, if not transferred, is a continuing record until the pupil ceases to be enrolled in the district.
• The district superintendent determines when folders for currently enrolled students are classified as Class 3 disposable records.

• California Code of Regulations, Title 5, Section 16022 states that before January 1 of each school year, the district superintendent reviews documents and papers originating during the prior school year and classifies them as Class 1 Permanent, Class 2 Optional, or Class 3 Disposable.
Whenever an original record is copied or photographed or micro photographed, the copy thus made is considered Class 1 Permanent.

The original record, unless classified as Class 2 Optional, may be classified as Class 3 Disposable and may then be destroyed.
Questions?