Fremont Union HSD
Board Policy
Student Records

BP 5125
Students

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site Procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

(cf. 3580 - District Records)
(cf. 4040 - Employee Use of Technology)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.1 - Release of Directory Information)

The Superintendent or 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 or a certificated employee 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)

Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

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/or 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.

(cf. 3312 - Contracts)

Legal Reference:
EDUCATION CODE
17604  Contracts
48201  Student records for transfer students who have been suspended/expelled
48853.5  Foster youth; placement, immunizations
48902  Notification of law enforcement of specified violations
48904-48904.3 Withholding grades, diplomas, or transcripts
48918 Rules governing expulsion procedures
48980  Parental notifications
48985  Notices in parent/guardian's primary language
49060-49079  Student records
49091.14  Parental review of curriculum
51747  Independent study
56041.5  Rights of students with disabilities
56050  Surrogate parents
56055  Foster parents
69432.9  Cal Grant program; notification of grade point average
BUSINESS AND PROFESSIONS CODE
22580-22582  Digital privacy
22584-22585  Student Online Personal Information Protection Act
CODE OF CIVIL PROCEDURE
1985.3 Subpoena duces tecum
FAMILY CODE
3025  Access to records by noncustodial parents
6552  Caregiver's authorization affidavit
GOVERNMENT CODE
6252-6260  Inspection of public records
HEALTH AND SAFETY CODE
120440  Immunizations; disclosure of information
PENAL CODE
245  Assault with deadly weapon
WELFARE AND INSTITUTIONS CODE
681  Truancy petitions
701  Juvenile court law
16010 Health and education records of a minor
CODE OF REGULATIONS, TITLE 5
430-438  Individual student records
16020-16027  Destruction of records of school districts
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h  Protection of Pupil Rights Amendment
UNITED STATES CODE, TITLE 26
152  Definition of dependent child
UNITED STATES CODE, TITLE 42
11434a  McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 16
Part 312 Children's Online Privacy Protection Rule
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.501  Opportunity to examine records for parents of student with disability
Management Resources:
FEDERAL REGISTER
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy,
December 9, 2008, Vol. 73, No. 237, pages 74806-74855
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the
Cloud Computing Era, April 2014
U.S.  DEPARTMENT OF EDUCATION PUBLICATIONS
Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA)
and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health
Records, 2008
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and
Privacy Act for Elementary and Secondary Schools, October 2007
WEB SITES
California Department of Education:  http://www.cde.ca.gov
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Family Policy Compliance,
http://www.ed.gov/policy/gen/guid/fpco

Policy  FREMONT UNION HIGH SCHOOL DISTRICT
adopted:  December 4, 2003 Sunnyvale, California