



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.4

**Meeting Date:** June 4, 2015

**Subject:** Revisions to Board Policy No. 5125: Student Records

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: June 18, 2015)
- Conference/Action
- Action
- Public Hearing

**Department:** Legal Services

**Recommendation:** Approve revisions to BP 5125, Student Records

**Background/Rationale:** The Ed. Code has recently been revised to add explicit protections to student data, including that which is stored or managed in the “cloud” by contracted 3<sup>rd</sup> parties. The law requires that agreements with such 3<sup>rd</sup> parties include assurances regarding the confidentiality of student data.

**Financial Considerations:** NA

**LCAP Goal(s):** Family and Community Engagement

**Documents Attached:**

1. BP 5125 revised; BP 5125 red lined with revisions

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Raoul Bozio, Manager II, Legal Services

**Approved by:** José L. Banda, Superintendent

# Sacramento City USD

## Board Policy

### Student Records

BP 5125

#### Students

The Governing Board 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.

The Superintendent or designee shall establish regulations for Board approval 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 photocopy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5125.3 - Challenging Student Records)

#### Custodian of Records

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 designee shall act as custodian of records for students enrolled. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (5CCR 431)

#### [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>

Legal Reference:

EDUCATION CODE

48904—Liability of parent

48904.3—Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

49060-49078—Pupil records

51747—Independent study programs

56050—Surrogate parents

56055—Foster parents

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025—Parental access to records

GOVERNMENT CODE

6252-6260—Inspection of public records

WELFARE AND INSTITUTIONS CODE

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438—Individual pupil records

16020-16028—Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232 Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

300.500—Definition of "personally identifiable"

~~300.501—General responsibilities of public agencies~~  
~~300.502—Opportunity to examine records~~  
~~300.573—Destruction of information~~

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
adopted: ~~\_\_\_\_\_~~ November 16, 1998 Sacramento, California  
reviewed: April 15, 2002  
revised: June 18, 2015

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