



March 26, 2018

PROCEDURE FOR OBTAINING AND TRANSFERING STUDENT RECORDS

DEFINITIONS

- 1) **Student Record Generally:** Any item of information directly related to enrollment and scholarship of an identifiable student that is maintained by a school district or required to be maintained by any employee in performance of his/her duties, whether recorded by handwriting, print, tapes, film, microfilm, or other means. A student record shall *not* include informal notes compiled by a school officer or employee that remain in sole possession of the maker and are not accessible or revealed to any other person.

- 2) **Mandatory *permanent* student records (cumulative records):** Those records that schools have been directed to compile by California statute or authorized administrative directive. Each district *shall maintain indefinitely* all mandatory permanent student records or an exact copy thereof for every student who has enrolled in a school program within that district. *Such records shall include the following:*
 - (1) Legal name of student
 - (2) Date of birth
 - (3) Method of verification of birth date
 - (4) Sex of student
 - (5) Place of birth
 - (6) Name and address of parent of minor student
 - (7) Address of minor if different from parent's address
 - (8) Enter and transfer dates in each school year, including summer or intersession
 - (9) All subjects or grade levels attempted
 - (10) If marks or credits are given, all marks allowed and numbers of credits toward graduation allowed for work taken
 - (11) Verification of or exemption from required immunizations
 - (12) Date of high school graduation or equivalent

- 3) **Mandatory *interim* student records:** Those student records that schools are required to compile and maintain for a *minimum* of three (3) years *after* a

student leaves the district or when their usefulness ceases. *Such records include the following:*

- (1) Log or record identifying persons or organizations requesting or receiving information from student's records
 - (2) Health information, including Child Health and Disability Prevention Program (CHDP) verification or waiver
 - (3) Case studies and records concerning participation in special education programs
 - (4) Language training records
 - (5) Grade reports and/or progress reports
 - (6) Parental restrictions regarding access to directory information or related Stipulations
 - (7) Records of suspensions/expulsions and Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
 - (8) Parental authorizations or prohibitions of student participation in specific programs
 - (9) Results of standardized tests administered within preceding three years
- 4) **Permitted student records (optional):** Those records having clear importance only to the current educational process of a student. Permitted records may be destroyed six months after the student's completion of or withdrawal from the educational program or when their usefulness ceases. *Such records may include the following:*
- (1) Objective counselor and/or teacher ratings
 - (2) Standardized test results older than three years
 - (3) Routine discipline data
 - (4) Verified reports of relevant behavioral patterns
 - (5) All disciplinary notices aside from official suspensions/expulsions
 - (6) Attendance records *other than* required district classroom attendance records maintained at the school

SCHOOL PERSONNEL RESPONSIBILITIES

A. **The principal or designee** responsible for establishing a system for the creation, security, care, and use of the student records, and shall

- 1) Place records in a safe, central location accessible to the principal, faculty, and other authorized personnel. The principal insures that the following security measures are maintained:
 - a. all records are to be kept in the school building at all times;
 - b. if allowed to leave records' storage area, records must be signed out by appropriate school staff;
 - c. students and volunteers are not allowed to handle cumulative records;
 - d. provide time, space, and opportunity for teachers to review and update information, as needed;
 - e. establish a checking system for the maintenance and completeness of records at the end of each school year; and
 - f. assure that all records are transmitted to receiving schools upon request.

B. The principal or designee who is responsible for initiating and maintaining student records shall utilize the following procedures for the request and transfer of records:

Requesting/receiving records for newly enrolled students:

- 1) Submit a records request to the previous district/school **for the student's entire educational file (mandatory permanent, mandatory interim, and permitted records).**
- 2) Once the records are received, Spark shall notify the student's parent of the receipt of records. The notification shall include a statement of the parent's right to receive a copy of the records, and a right to a hearing to challenge the content of the records.
- 3) Obtain administrative assistance in procuring student records if not received after a third request.
- 4) Maintain a log of all student records for each student's record, which lists all persons, agencies, or organizations receiving information from the records and the legitimate educational interest of the requester. The log shall be accessible only to the parent/guardian, adult student, dependent adult student, and student age 16 years or older or who has completed the 10th grade, and custodian of records. The log does **not** need to record access by:
 - a. Parents/guardians or adult students
 - b. Students 16 years of age or older or who have completed the 10th grade
 - c. Parties obtaining school-approved directory information pursuant to CA Education Code 49061.
 - d. Parties who provide written parental consent, in which case the consent notice shall be filed with the record
 - e. School officials or employees who have a *legitimate educational interest*
- 5) Review records to identify any information that has not been received.
- 6) Note whether records include psychoeducational evaluations, Section 504 plans and/or Individual Education Programs (IEPs). The School will review any such records to ensure timely provision of services to students with disabilities. In reviewing those records to determine how to meet a student's disability-based needs, the School will draw upon information from a variety of sources, including past evaluations, Section 504 plans and IEPs.

Sending/transferring records of withdrawing students:

- 1) Transfer requested records within 10 school days of receipt of a proper request from a public or private school within the state. "School day" refers to a day on which the school is in session or nonholiday weekdays during the summer break. **Under no condition shall the transfer of a student's record be delayed or denied for failure to pay a fine or fee assessment by the school.**

- 2) If the student is transferring to an out-of-state school, send parent a notification of the parent's right to receive a copy of the records, and a right to a hearing to challenge the content of the record.
- 3) Prior to forwarding records, ensure that all information constituting the student's mandatory permanent, interim, and permitted records are present and accurate.
- 4) Unless the requesting entity is any individual or entity other than one of the following, obtain a signed release of information from parent before sending the records:
 - a. Parents/guardians
 - b. School officials and employees (excluding student workers)
 - c. Officials and employees of other school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided.
 - d. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regard to declaring a person a ward of the court of involving a violation of a condition of probation.
 - e. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student.
- 5) Maintain a log of all student records for each student's record, which lists all persons, agencies, or organizations receiving information from the records and the legitimate educational interest of the requester. The log shall be accessible only to the parent/guardian, adult student, dependent adult student, and student age 16 years or older or who has completed the 10th grade, and custodian of records. The log does **not** need to record access by:
 - a. Parents/guardians or adult students
 - b. Students 16 years of age or older or who have completed the 10th grade
 - c. Parties obtaining school-approved directory information pursuant to CA Education Code 49061.
 - d. Parties who provide written parental consent, in which case the consent notice shall be filed with the record
 - e. School officials or employees who have a *legitimate educational interest*
- 6) Ensure that all records of withdrawn students are properly retained in accordance with the requirements above for permanent, interim, and permitted records.
- 7) Ensure that if records are destroyed, they are disposed of in accordance with the requirements above for permanent, interim, and permitted records.