

COLLECTION, MAINTENANCE, ACCESSIBILITY, DISSEMINATION AND RETENTION OF PUPIL RECORDS**A. INTRODUCTION**

Pupil records are an essential part of the educational process. To serve this end, information about pupils which: 1) is required by law, 2) is considered necessary in accomplishing the educational goals and objectives of the District, and 3) does promote the welfare of pupils, will be collected and maintained under the supervision of the Superintendent, or designee.

The intent of the regulations on pupil records is to establish procedures to protect the rights of the individual and to reemphasize the concept of free flow of information between home and school.

B. DEFINITION OF TERMS

1. PUPIL means a person who is or was enrolled in a school within this District.
2. ADULT PUPIL means a person who is or was enrolled in school and who is at least 18 years of age.
3. DEPENDENT PUPIL means a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.
4. ELIGIBLE PUPIL means a person 16 years or older or who has completed Grade 10.
5. PARENT means a natural parent, an adoptive parent, legal guardian, or parent of a dependent adult pupil as defined in Section 152 of the Internal Revenue Code of 1954. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record pursuant to Section III, F, 1; offer a written response to a written record pursuant to Section III, F, 4; or consent to release records to others pursuant to Section III, H, 2, a; provided, however, that either parent may grant consent if both parents have notified the school, in writing, that such an agreement has been made.
6. PUPIL RECORD means information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record.
 - a. "Mandatory Permanent Pupil Records," hereinafter referred to as Permanent Records, are those records which are maintained in perpetuity and which schools have been directed to compile by California statute, regulation or authorized administrative directive.

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- b. "Mandatory Interim Pupil Records," hereinafter referred to as Interim Records, are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per California statute, regulation, or authorized administrative directive.
 - c. "Permitted Pupil Records," hereinafter referred to as Permitted Records, are those records having clear importance only to the current educational process of the student.
- 7. **DIRECTORY INFORMATION** means one or more of the following items: pupil's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the pupil.
 - 8. **ACCESS** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

C. ADMINISTRATIVE RESPONSIBILITY FOR PUPIL RECORDS

- 1. The Superintendent, or designee, shall be the custodian of all pupil records at the District level.
- 2. The Principal, or designee, shall be custodian of all pupil records at the building or campus level.
- 3. The custodian of pupil records shall make maximum provision for protection of records from review by unauthorized personnel and for maximum physical security of such records.
- 4. The custodian of pupil records shall have the overall responsibility for maintaining and preserving the confidentiality of pupil records.
- 5. The Superintendent, or designee, is responsible for classifying records and maintaining them so that each record can clearly be identified by classification.
- 6. The custodian of pupil records is responsible for reviewing the files and deleting extraneous information when necessary.
- 7. The custodian of pupil records is responsible for granting or denying access to records on the basis of the procedures set forth in this document.
- 8. The Principal shall ensure that the school staff receives periodic instructions and training regarding the privacy rights of pupils and parents.

9. The Superintendent, or designee, has the responsibility of keeping the parent community in the district informed of the policies and procedures of pupils' records. This includes the parents' privilege of access to pupil records.
10. The Superintendent, or designee, has the responsibility to ensure that the procedures for collection, maintenance, accessibility, dissemination and retention of pupil information shall be reviewed periodically.

D. PUPIL EDUCATIONAL RECORD SYSTEM

The student information management system used by the District is designed to provide developmental information about the pupil for the purpose of assisting school personnel in helping the pupil with academic, personal, social, and career decisions. The system provides a continuous and current record of significant information regarding a pupil's progress and growth as that pupil goes through school.

1. COLLECTION OF INFORMATION

School personnel shall collect such pupil information as required by law. Additional pupil information may be collected only if such information is clearly significant to the educational growth of the student and in assisting the pupil with academic, personal, social and career decisions. The Superintendent, or designee, shall be responsible for determining what pupil information is to be collected.

2. CLASSIFICATION OF RECORDS

Information about pupils that is collected and maintained by school personnel shall be separated into one of the following classifications:

- Mandatory Permanent Pupil Records (Permanent)
- Mandatory Interim Pupil Records (Interim)
- Permitted Pupil Records (Permitted)

- a. "Mandatory Permanent Pupil Records" are those records which the schools have been directed to compile by California statute authorization or authorized administrative directive. 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.

1) Content - Mandatory by State Law

- a) Legal name of pupil
- b) Date of birth
- c) Method of verification of birthdate

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- d) Sex of pupil
- e) Place of birth
- f) Name and address of parent of minor pupil
 - i) Address of minor pupil if different than the above
 - ii) An annual verification of the name and address of the parent and the residence of the pupil
- g) Entering and leaving date of each school year and for any summer session or other extra session
- h) Subjects taken during each year, half-year, summer session, or quarter
- i) If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
- j) Verification of or exemption from required immunizations
- k) Date of high school graduation or equivalent

May also include:

- l) Telephone number
- m) Pupil permanent identification number
- n) Rank in class
- o) Grade point average
- p) Honors and activities
- q) Standardized and/or criterion-referenced assessment data
- r) Signature of principal upon graduation

b. Maintenance and Security of Mandatory Permanent Pupil Records

These records shall be updated as changes occur. They shall be kept in a locked file and every reasonable effort shall be made to account for each record. Only authorized personnel shall have access to these records and they shall not be taken from the office in which they are stored.

c. Retention and Destruction of Mandatory Permanent Pupil Records

According to Section 16023 (C) (2) (a) of Title 5, California Administrative Code, the "permanent" record shall be retained indefinitely. A pupil's "permanent" record shall be microfilmed: 1) annually as a matter of security, and 2) after the third year following the pupil's normal date of graduation for purposes of storage and retrieval.

d. Transfer of Mandatory Permanent Pupil Records

When a pupil transfers to another school district, or to a private school, a copy of the pupil's permanent ("transcript" and California School Immunization Record) records shall be forwarded upon request from the other district or private school. These records shall be updated prior to transfer. The original must be retained permanently by this District.

When a pupil transfers to another school within the district, the original of the pupil's permanent records shall be forwarded to the receiving school upon request of the receiving school. The sending school shall retain a copy of the pupil's permanent records.

- e. "Mandatory Interim Pupil Records" are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation.

Such records include:

1) Content - Mandatory by State Law

- a) A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible pupil, or a dependent pupil, or an adult pupil, or the custodian of records.
- b) Health information
- c) Participation in special education including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
- d) Language training records
- 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

2) Maintenance and Security of Mandatory Interim Pupil Records

These records shall be updated as changes occur. They shall be kept in secure files. Every effort shall be made to keep these records in a central file at the school attended by the pupil, but if they are maintained in different locations, a notation in the central file as to where such other records may be found is required.

3) Retention and Destruction of Mandatory Interim Pupil Records

Unless forwarded to another district, "interim" records shall be maintained for a period of three years after the pupil's normal date of graduation and shall be destroyed by shredding or burning.

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4) Transfer of Mandatory Interim Pupil Records

These records shall be forwarded to a requesting California school district. If the transfer is out of state or to a private school, the "interim" record may be forwarded. These records shall be updated prior to such a transfer.

f. "Permitted Records" are those pupil records which districts may maintain for appropriate educational purposes. Such records may include:

1) Content

- 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

2) Maintenance and Security of Permitted Records

The permitted record shall be kept objective, factual and void of value judgments. Care is to be exercised to ensure the accuracy of data. Reported behavior pattern and specific incidents are to be unambiguously described and clearly verified prior to becoming a part of any record. School personnel should be aware that what they write for the record about a pupil, in any and all contexts, cannot be considered confidential and shall be shared with the parent or pupil.

These records shall be kept in secure files. Every effort shall be made to keep these records in a central file at the school attended by the pupil, but if they are maintained in different locations, a notation in the central file as to where such other records may be found is required.

3) Retention and Destruction of Permitted Records

These 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 school.

4) Transfer of Permitted Records

Permitted records may be forwarded only if it will be in the best educational interests of the pupil.

g. General Information Pertaining to all Records

- 1) The Principal of each school shall keep on file a record of enrollment and scholarship for each pupil currently enrolled in said school.
- 2) Schools shall not compile any other pupil records except mandatory or permitted records as defined above.
- 3) If the pupil is a within – California transfer, the receiving school shall notify parents of the record transfer. If the student transfers out of state, the sending district may notify the parents of the rights accorded them. The notification shall include a statement of the parent's right to review, challenge, and receive a copy of the pupil record, if desired.
- 4) Pupil records shall not be withheld from the requesting district because of any charges or fees owed by the pupil or his parent. This provision applies to pupils in grades K-12 in both public and private schools.
- 5) 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.
- 6) The method of destruction shall assure that records are not available to possible public inspection in the process of destruction.
- 7) Anecdotal Reports

Anecdotal reports are an objective, factual recorded account of observed behavior. These reports should be brief and to the point. They are cumulative in nature as a single incident may not have any value, but related to other reports over a period of time may provide significant insight regarding a pupil's behavior. Anecdotal records should be stripped to the bare facts and void of value judgments. Any school person may complete an anecdotal report and have it included in the pupil's cumulative record. An anecdotal report shall include the name of the observer, the time and place of the incident and shall be restricted to comments in the area of professional competence of the observer. These reports are part of the pupil's permitted record.

8) Discipline Reports

Whenever there is included in any pupil record information concerning any disciplinary action taken by school district personnel in connection with the pupil, the school district maintaining such record or records shall allow the pupil's parent to include in such pupil record a written statement or response concerning the disciplinary action.

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These reports are kept for purposes of determining behavior patterns. These are to be reviewed at periodic intervals. They are to be included as "permitted" records.

- 9) A log or record shall be maintained for each pupil's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefore. Such listing need not include:
 - a) Parents or pupils to whom access is granted;
 - b) Parties to whom directory information is released;
 - c) Parties for whom written consent has been executed by the parent; or
 - d) School officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by a parent and the school official, or his designee, responsible for the maintenance of pupil records, and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

E. RIGHTS OF ACCESS TO PUPIL RECORDS

1. ACCESS TO ALL RECORDS CONCERNING A PUPIL

Parents of currently or formerly enrolled pupils who are minors or dependent adult pupils at the time of the request have an absolute right to have access to any and all pupil records related to their children which are maintained by the district. The editing or withholding of any such records, except as provided for in this manual and in these rules and regulations, is prohibited.

2. ADULT PUPILS

Whenever a pupil has attained the age of eighteen years, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the adult pupil.

3. NOTIFICATION TO PARENTS, OR ADULT PUPIL, OF THEIR RIGHTS TO INSPECT AND REVIEW RECORDS

Notification in writing to parents or adult pupils shall be made at the time of initial enrollment in the district and once a year, thereafter, as a part of the Superintendent's annual letter to parents. The notice shall be, insofar as is practicable, in the home language of the pupil. The notice shall take a form which reasonably notifies parents of the availability of the following specific information:

- a. The types of pupil records and information contained therein which are directly related to students and maintained by the institution
 - b. The position of the official responsible for the maintenance of each type of record
 - c. The location of the log or record required to be maintained
 - d. The criteria to be used by the district in defining "school officials and employees" and in determining "legitimate educational interest"
 - e. The policies of the institution for reviewing and expunging those records
 - f. The right of the parent to access to pupil records
 - g. The procedures for challenging the content of pupil records
 - h. The cost, if any, which will be charged to the parent for reproducing copies of records
 - i. The categories of information which the institution has designated as directory information
 - j. Any other rights and requirements set forth in this chapter, and the right of the parent to file a complaint with the United States Department of Health, Education and Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the General Education Provisions Act (20 U.S.C.A. Sec. 1232g)
4. REQUESTS FOR ACCESS TO RECORDS MUST BE GRANTED WITHIN A REASONABLE PERIOD OF TIME

A parent or adult pupil need only appear in person at the school during regular hours of the school day and request to see such records. (Parent Request to Inspect and Review Student Records, Form #50-47-75). If for some reason the records are not immediately available, the request shall be granted within a reasonable period of time, but in no case more than five working days after the request has been made.

5. PROCEDURES FOR ACCESS TO PUPIL RECORDS

- a. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of the parent or the adult pupil must submit their request to view the records, together with any required authorization, to the custodian of records. Pursuant to Education Code 49076(b), certain officials and authorities receiving pupil records must certify in writing to the District that the information shall not be disclosed to another party, except as required by law. This requirement applies to law enforcement agencies that receive reports of suspected criminal activity. Certification for Release of Records, AR 5311(q) shall be utilized.
- b. The custodian of records or a certificated designee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage, or loss. In every instance of inspection of pupil records by persons who do not have assigned educational responsibility, an entry shall be made in the access log of said record, indicating the name of the person(s) granted access, the reason access was granted, the time and circumstances of inspection, and the records inspected.

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- c. School officials with legitimate education interests, schools of intended enrollment, specified Federal and State educational administrators, specified State and local officials to the extent that information is specifically required to be reported pursuant to State laws, or those who provide financial aid are entitled to access without parent/guardian consent. Access may also be obtained without consent pursuant to court order.

A school official is a person employed by the District or school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District or school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

F. RIGHT TO CHALLENGE THE CONTENTS OF A PUPIL'S EDUCATIONAL RECORDS, INCLUDING RIGHT OF APPEAL

1. INFORMATION CORRECTED OR REMOVED FROM A PUPIL'S RECORD

Certain information may be added to or removed from the record upon mutual agreement of the Principal and the parent, or adult pupil. In the event of disagreement, the parent, or adult pupil, may file a written request (Request to Correct or Delete Information in Student Record, Form #50-48-75) with the Superintendent to correct or remove any information recorded in the written records concerning the pupil which the party alleges to be 1) inaccurate, 2) an unsubstantiated personal conclusion or inference, 3) a conclusion or inference outside the observer's area of competence, or 4) not based on the personal observation of a named person with the time and place of the observation noted. The complete record shall be impounded by the Superintendent or designee, while under appeal. Copies of contested material shall not be given to any individual, including the party making the challenge.

2. APPEAL TO SUPERINTENDENT

Within thirty days of receipt of such request, the Superintendent, or designee, or a hearing panel (see Section III, G) shall meet with the parent, or adult pupil, and the employee who recorded the information in question, if such employee is presently employed by the district. If a panel is convened, the panel submits its recommendations to the Superintendent, or his designee. The Superintendent shall then sustain or deny the allegations. If the Superintendent sustains any or all of the allegations, he shall order the correction or the removal and destruction of the information; destruction is to be performed by the school employee originally responsible for the custody of the school records. Under no circumstance is the record removed from the file to be given to the

individual challenging its content. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent, or adult pupil, may, within thirty days of the refusal, appeal the decision in writing to the Board of Trustees.

3. APPEAL TO BOARD OF TRUSTEES

Within thirty days of receipt of such an appeal, the Board of Trustees shall, in closed session with the parent, or adult pupil, and the employee who recorded the information in question, if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. If the Board of Trustees sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove or destroy the information from the written records of the pupil. The decision of the Board of Trustees shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board of Trustees, unless the parent, or adult pupil, initiates legal proceedings relative to the disputed information within the prescribed period.

4. WRITTEN STATEMENT OF OBJECTIONS

If the final decision of the Board of Trustees is unfavorable to the parent, or adult pupil, or if the party accepts an unfavorable decision by the Superintendent, the party shall have the right to submit a written statement of the objections regarding the information to the custodian of the record. This statement shall become a part of the pupil's school record until such time as the information objected to is corrected or removed.

G. ESTABLISHMENT OF A HEARING PANEL

1. HEARING PANEL MEMBERSHIP

To assist in making determination pursuant to Section III, F, 2 above, the Superintendent may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant pupil's records to the members of the panel so convened:

- a. The Principal of a school other than the school at which the record is on file, such Principal to be designated by the Superintendent
- b. A certificated employee appointed by the parent
- c. A parent appointed by the Superintendent

2. RELATIONSHIP TO GRIEVANT

If possible, the persons appointed pursuant to Section III, G, 1 shall not be acquainted with the pupil, the parent, or the employee who recorded the information.

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3. CHAIRPERSON

The principal appointed to the hearing panel shall serve as its chairperson.

4. HEARING PROCEDURES

The hearing panel shall, in closed session, hear the objections to the information of the parents, or adult pupil, and the testimony of the employee who recorded the information in question, if such employee is presently employed by the district. The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

5. WRITTEN FINDINGS

A written finding shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Superintendent. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The hearing panel is only empowered to recommend; it does not make the final decision.

H. PRIVACY OF PUPIL RECORDS

1. DIRECTORY INFORMATION

a. Contents

Directory information shall include one or more of the following:

- 1) Pupil's name, address and telephone number
- 2) Pupil's date and place of birth
- 3) Pupil's participation in officially recognized activities and sports, including weight and height of members of athletic teams
- 4) Pupil's date of attendance
- 5) Degrees and awards received by pupil
- 6) The most recent previous public or private school attended by the pupil

b. Access to Directory Information

Directory information may be released to one or more of the following person, persons, agency or organization:

- 1) Employers and prospective employers, including recruiting officials of the United States Armed Forces
- 2) News media, including, but not limited to, newspapers, magazines, radio and television stations
- 3) School support groups (i.e., PTA/PTSA, booster groups, citizens committees in support of school programs and/or activities, etc.)

- 4) A federal, state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his/her duties and the person has a legitimate educational interest
- 5) Probation, adoption, and child protection agencies as required in the course of their duties
- 6) Vendors providing services to students and parents, such as approved student photographs, senior portraits, graduation announcements, caps and gowns, and class rings.

c. Limitations

A Principal, or designee, may at his discretion limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

d. Parent Notification

No directory information shall be released regarding any pupil when a parent has notified the school/district that such information shall not be released.

2. ACCESS TO PUPIL RECORDS WITH WRITTEN PARENTAL CONSENT

a. General

Access to pupil records may be permitted to any person for whom a parent of the pupil has executed written consent (Parent Authorization to Release Information, Form #50-46-75) specifying the records to be released and identifying the party, or class of parties, to whom the records may be released. (Reference Section E, 5.a. of this AR).

b. Third Party Prohibition

The recipient must be notified that the transmission of the information received to others without written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file.

c. Legal Custody Consent

If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others provided, however, that either parent may grant consent if both parents have notified the school, in writing, that such an agreement has been made.

3. ACCESS TO PUPIL RECORDS WITHOUT WRITTEN PARENTAL CONSENT

a. Qualified Access

The District is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

1) Mandatory

Access to those particular records relevant to the legitimate educational interests of the requestor shall be permitted to the following:

- a) School officials and employees of the district and members of the Fullerton School Attendance Review Board, provided that any such person has a legitimate educational interest to inspect a record
- b) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section III, H, 6, a, below
- c) Authorized representatives of the Comptroller General of the United States; the Secretary of Health, Education and Welfare; an administrative head of an education agency, state education officials, or their respective designees; or the United States Office 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, and data collected by such officials shall be protected in a manner which will not permit 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
- d) 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
- e) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954
- f) A pupil 16 years of age or older or having completed the tenth grade who requests such access

2) Permissive

A Principal, or designee, may release information from a pupil's education records to the following:

- a) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons

- b) Agencies or organizations in connection with a pupil's application for, or receipt of, financial aid, provided that information permitting the personal identification of pupils or their parents may be disclosed only as may be necessary for such purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid
- c) Accrediting organizations in order to carry out their accrediting functions
- d) 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 by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted
- e) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section III, H, 6, a, below. Such information shall be in addition to the pupil's permanent record transferred pursuant to Section III, H, 6, a, below

Exception

No person, persons, agency or organization permitted access to pupil records pursuant to this procedure shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the pupil's parents; provided, however, that this paragraph shall not be construed as to require prior parental consent when information is shared with other persons within the school or district obtaining access, so long as such persons have a legitimate interest in the information.

4. COURT ORDERS

Information concerning a pupil must be furnished in compliance with a court order. Unless otherwise judicially instructed, the school district shall, prior to the disclosure of any pupil records to organizations, agencies, or persons outside the school pursuant to a court order, give the parent or adult pupil at least three days' notice, if lawfully possible within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. (Reference Section E, 5.a. of this AR)

Such notification shall be provided in writing, if practicable. Only those records related to the specific purpose of the court order shall be disclosed.

In meeting the demand for records required by a subpoena, the district school/employee may fulfill the requirements by submitting a copy of the record with an affidavit certifying that such copy is a true copy of the original record on file in the school or school office.

5. CONTACTS WITH ATTORNEYS

Appeals of school decisions on placement of pupils, special attendance permits, or possible expulsions may occur, with attorneys participating on behalf of pupils or parents. Materials covering incidents in which the pupil clients are involved must be furnished to the attorneys representing them, provided the attorneys present proper written and signed authorizations from the parent, or adult pupil, in accordance with this procedure. Such reports may include written statements from witnesses – especially teachers, administrators, and other school personnel. (Reference Section E, 5.a. of this AR)

6. TRANSFER OF PUPIL RECORDS

a. Requests

Whenever a pupil transfers to another school district or to a private school, a copy of the pupil's mandatory permanent pupil record, or a copy thereof, shall be transferred upon request from the other district or private school. The other school district, or private school, shall notify the parent of his right to receive a copy of the record and a right to a hearing to challenge the content of the record.

b. Notification to Parent

When a pupil transfers into this district from another school district, or a private school, the receiving school shall request a copy of the pupil's mandatory permanent pupil record and shall notify the parent of his/her right to a hearing to challenge the content of the record.

Reference: Education Code Sections 48902(f), 49060-49078

Regulation approved: February 10, 1976; November 7, 1978; July 23, 1979; March 22, 1999; September 12, 2000; September 9, 2003; April 2, 2012

Certification for Release of Records

To: Fullerton Joint Union High School District

I am authorized to receive records concerning _____ [name of student] pursuant to the following:

- ___ I am a probation officer, district attorney, or counsel of record for a minor student and I am seeking these records for the purposes of conducting a criminal investigation or an investigation in regard to declaring the minor student a ward of the court or involving a violation of a condition of probation. I hereby certify that I will not disclose the information to another party without the prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by State and Federal law. [Education Code Section 49076(b)]

- ___ I am a law enforcement officer receiving special education and disciplinary records of this student because the student is suspected of committing a crime as specified in Education Code Section 49802. I hereby certify that I will not disclose the information to another party without the prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by State and Federal law. [Education Code Section 49076(b)]

- ___ I am a judge or probation officer seeking student records for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code Section 681. I certify that the information disclosed will be used only for truancy purposes. [Education Code Section 49076(a)(1)(J)]

Name and title (please print)

Signature

Date