

STUDENT RECORDS

Confidentiality Of Records

The Monterey County Board of Education (County Board) recognizes the importance of maintaining the confidentiality of personal information concerning students and their families, and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Monterey County Superintendent of Schools (County Superintendent) or designee is expected to establish administrative regulations governing the identification, collection, retention and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of such student records consistent with state and federal law.

At each school, the County Superintendent should designate the principal or a certificated designee to serve 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]

All appropriate personnel shall receive training regarding Monterey County Office of Education (MCOE or County Office) policies and procedures for gathering and handling sensitive student information.

(cf. 3580 - County Office Records)
(cf. 4040 - Employee Use of Technology)
(cf. 4131 - Staff Development)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.3 - Challenging Student Records)

Collection Of Personal Information

The County Office shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. [Education Code (EC) 49076.7]

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program.

The County Superintendent or designee should not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If an MCOE employee receives such a

request, he/she shall immediately report the request to the County Superintendent. The County Superintendent should report the request to the County Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. [EC 234.7]

(cf. 5145.13 - Response to Immigration Enforcement)

The County Superintendent or designee should not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. [Government Code 8310.3]

Release Of Directory Information

Restrictions imposed by the law and this policy are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards and other like information. Names of graduating students may be given to any newspaper of general circulation. However, MCOE must first notify students and parents/guardians to provide an opportunity for public comment. [EC 49073.6] This notification may be provided as part of the annual parental notification required by Education Code 48980.

The County Superintendent should protect students and their families from invasion of their privacy by disallowing any surveys or data-gathering activities that are designed to collect personal information for marketing or for selling that information.

Exceptions to the above policy include the maintenance of confidentiality as required for minors under the laws and regulations of the Juvenile Justice System while students are or have been enrolled in Monterey County Court Schools.

Except for students enrolled in Special Education and Court and Community School classes, names and addresses of students may be given to school support groups such as parents' club, groups organizing school volunteers and groups organizing financial support for the school.

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with the law and administrative regulation. [20 USC 7908; 10 USC 503; EC 49603]

*Legal References:**EDUCATION CODE*

2334.7	<i>Student protections relating to immigration and citizenship status</i>
17604	<i>Contracts</i>
48201	<i>Student records for transfer students who have been suspended/expelled</i>
48853.5	<i>Foster youth; placement, immunizations</i>
48902	<i>Notification of law enforcement of specified violations</i>
48904-48904.3	<i>Withholding grades, diplomas, or transcripts</i>
48918	<i>Rules governing expulsion procedures</i>
48980	<i>Parental notifications</i>
48985	<i>Notices in parent/guardian's primary language</i>
49061	<i>Definitions</i>
49063	<i>Notification of parents of their rights</i>
49073	<i>Release of directory information</i>
49073.5	<i>Directory information; military representatives; telephone numbers</i>
49603	<i>Public high schools; military recruiting</i>
49060-49079	<i>Student records</i>
49091.14	<i>Parental review of curriculum</i>
51747	<i>Independent study</i>
56041.5	<i>Rights of students with disabilities</i>
56050	<i>Surrogate parents</i>
56055	<i>Foster parents</i>
69432.9	<i>Cal Grant program; notification of grade point average</i>

BUSINESS AND PROFESSIONS CODE

22580-22582	<i>Digital privacy</i>
22584-22585	<i>Student Online Personal Information Protection Act</i>
22586-22587	<i>Early Learning Personal Information Protection Act</i>

CODE OF CIVIL PROCEDURE

1985.3	<i>Subpoena duces tecum</i>
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FAMILY CODE

3025	<i>Access to records by non-custodial parents</i>
6552	<i>Caregiver's authorization affidavit</i>

GOVERNMENT CODE

6252-6260	<i>Inspection of public records</i>
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HEALTH AND SAFETY CODE

120440	<i>Immunizations; disclosure of information</i>
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PENAL CODE

245	<i>Assault with deadly weapon</i>
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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 10

503 *Military recruiter access to directory information*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act;*
1232h *Protection of pupil rights;*
7908 *Armed forces recruiter access to students and student recruiting information*

UNITED STATES CODE, TITLE 26

152 *Definition of independent 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*
34300.501 *Opportunity to examine records for parents of student with disability*

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