

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.1j

Meeting Date: June 18, 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: _____)
- Conference/Action
- Action
- Public Hearing

Department: Legal Services

Recommendation: Approve revisions to Board Policy No. 5125, Student Records

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

Financial Considerations: NA

LCAP Goal(s): Family and Community Engagement

Documents Attached:

1. Executive Summary
2. Board Policy No. 5125 red lined with revisions
3. Board Policy No. 5125 revised, clean copy

Estimated Time of Presentation: N/A

Submitted by: Raoul Bozio, Manager II, Legal Services

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Board of Education Executive Summary

Legal Services Office

Approve Revision to Board Policy 5125, Student Records

June 18, 2015

I. OVERVIEW / HISTORY

Education Code Section 49073.1 was revised this past year to add explicit requirements related to the storage of student records in the cloud by 3rd party contractors. Contracts with 3rd party hosts of student records must establish assurances regarding the confidentiality of these records and procedures that will enable such, as well as notifications to those affected by any breach. The law requires that such a contract prohibit the use of information in pupil records to engage in targeted advertising.

II. DRIVING GOVERNANCE

Education Code Section 49073.1, Contracts for digital storage, management, and retrieval of pupil records; requirements.

III. BUDGET

There are no additional costs other than the costs associated with the creation and monitoring of such agreements with companies that host student data.

IV. GOALS, OBJECTIVES, AND MEASURES

The goal is to maintain the confidentiality of student records as school districts move toward utilizing on-line data hosting services. Such is consistent with the District goals of fostering strong relationships with our families and protecting their legal rights under state and federal laws.

V. MAJOR INITIATIVES

As the District moves to the more efficient use of digital storage and the greater access allowed by same, measures are needed to help protect student confidentiality.

VI. RESULTS

Legal Services has worked with District departments, including IT and A,R,&E, to maintain student record confidentiality when working with various programs and institutions. The recent Infinite Campus agreement has been amended to provide for the assurances required by Section 49073.1.

Board of Education Executive Summary

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VII. LESSONS LEARNED / NEXT STEPS

Continued enforcement and monitoring of new and existing agreements will be required to ensure compliance with the Education Code and the protection of student confidentiality.

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 copy 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. (GC 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](#)
[4890448904.3 Withholding gradediplomas, or transcripts](#)
[48918 Rules governing expulsion procedures](#)
[48980 Parental notifications](#)
[48985 Notices in parent/guardian's primary language](#)
[4906049079 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
[2258022582 Digital privacy](#)
[2258422585 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
[62526260 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
[430438 Individual student records](#)
[1602016027 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
[99.199.67 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 Educatio

~~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

Custodian of Records

The Superintendent or designee of records, with responsibility for records, or a certificated designee shall be responsible for records regarding student records. (66)

Contract for Digital Storage, M

The Superintendent or designee shall be responsible for the storage, management, and retention of digital software to access, store, and retrieve digital information in accordance with the requirements of Education Code

(cf. 3312 -Contracts)

Legal Reference:

EDUCATION CODE

17604 Contracts

48201 Student records for tra

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