

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

Students
BP 5125

Student Records; Confidentiality

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The Tulare County Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The County Superintendent or designee shall 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 student records consistent with state and federal law.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records. At each school, the principal or a certificated employee shall be designated 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 the Tulare County Office of Education (TCOE) policies and procedures for gathering and handling sensitive student information.

TCOE 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 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 shall 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 a TCOE employee receives such a request, he/she shall immediately report the request to the County Superintendent. The County Superintendent shall report the request to the County Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

The County Superintendent or designee shall 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 the purpose of 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)

Student Records from Social Media

The County Superintendent or designee may gather and maintain information from the social media of any TCOE student, provided that TCOE first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled County Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

Contract for Digital Storage, Management, and Retrieval of Student Records

The County 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.

Legal Reference:

EDUCATION CODE

48904-48904.3 – Withholding grades, diplomas, or transcripts

49060-49079 – Student records

17604 – Delegation of powers to agents

234.7 – Student protections relating to immigration and citizenship status

48201 – Transfer student's record for acts that resulted in suspension or expulsion

48853.5 – Foster youth; placement, immunizations

48902 – Notification of law enforcement of specified violations

48918 – Rules governing expulsion procedures

48980 – Parent/Guardian notifications

48985 – Notices to parents in language other than English

49091.14 – Parental review of curriculum

51745 – 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

GOVERNMENT CODE

7920.000-7930.215 – California Public Records Act

CODE OF FEDERAL REGULATIONS, ARTICLE 34

300.501 – Opportunity to examine records for parents of student with disability

99.1-99.67 – Family Educational Rights and Privacy

Policy adopted:	11/4/1987	Tulare County Board of Education
Revised:	9/5/1990, 9/11/2024	Visalia, California