



Huntington Beach Union High School District Board Policies and Administrative Regulations

AR 5125
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Students

Student Records; Confidentiality

1. Purpose and Scope

A parent or guardian shall have access to all written material regarding his/her child or ward upon personal request and is entitled to personally read such material. Upon reaching the age of 18, the authority is transferred to the student.

The parent or guardian may file a written request to remove any information recorded in the written records concerning his/her child or ward which he/she alleges to be inaccurate, an unsubstantiated conclusion outside of the observer's area of competence, or not based on the personal observation of the named person with the time and place of the observation noted in the record.

The principal, or designated representative responsible for written pupil records, is prohibited from releasing personally identifiable information concerning a pupil without written parent consent, unless the student is 18 years of age or older, and/or advance notification of disclosure providing parents an opportunity to receive a copy of the records if desired and/or to challenge the contents of the record.

2. Regulation

The district recognizes the right of parental or guardian access to and the privacy of information about one's child or, in the case of pupils eighteen years of age or older, oneself. Parents shall be informed of their rights annually.

- A. The building principal, or designated representative, is officially responsible for all written records of pupils at a school, and the district Superintendent, or designated representative, is responsible for all written records of pupils maintained in the district office. The principal and Superintendent or designated representative are the only school officials who shall make the records available upon request of the person(s) who has right of access.

Student Records; Confidentiality (continued)

- B. Pupils 16 years of age or older or those having completed the 10th grade, and graduates upon request, shall have access to all written records which pertain to them.
- C. A school shall not edit or withhold any written material related to the student's record.
- D. Upon parental request, or by a student 18 years or older, the building principal, or designated representative, at his/her discretion, may provide copies of the student's record to those who have right of access for a nominal fee of 10¢ per page. No charge, however, shall be made for furnishing up to two transcripts or two verifications of various records for former students.
- E. A parent, guardian, or student need only appear in person at the school during regular hours of the school day and request to see such records. 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 ten working days after the request has been made.
- F. Following an inspection and review of a pupil's records, the parent/guardian, or 18-year-old student or former student may file a written request with the Superintendent, or his/her designated representative, to remove any information recorded in the written records concerning his/her child or pertaining to him/her personally which he/she alleges to be:
 - (1) Inaccurate.
 - (2) An unsubstantiated personal conclusion or inference.
 - (3) A conclusion or inference outside of the observer's area of competence.
 - (4) Not based on the personal observation of a named person with the time and place of the observation noted.

Student Records; Confidentiality (continued)

- G. Within 30 days the Superintendent, or his/her designated representative, shall meet with the parent/guardian, or 18-year-old student or former student and the employee who recorded the information in question. The Superintendent shall then sustain or deny the allegations.

If the Superintendent sustains the allegations, he/she shall order the removal of the information.

If the Superintendent denies the allegations and refuses to order the removal of the information, the parent/guardian, or 18-year-old student or former student may, within 30 days of the refusal, appeal the decision in writing to the Governing Board.

- H. Within 30 days of receipt of such an appeal, the Governing Board shall, in closed session with the parent or guardian or 18-year-old student or former student and the certificated employee who recorded the information in question, determine whether or not to sustain or deny the allegations.

If the Board sustains the allegations, it shall order the Superintendent to immediately remove the information from the written records of the pupil.

The decision of the Governing Board shall be final.

Minutes of the proceedings shall be kept.

- I. If the final decision of the Board is unfavorable to the authorized person making the challenge, he/she shall have the right to submit a written statement of his/her objections to the information which shall become a part of the pupil's school record until such time as the information is removed.

- J. To assist the Superintendent or Governing Board in making a determination relative to the appropriateness of any written material, a hearing panel may convene composed of the following persons:

- (1) The principal of a school other than the school at which the record is on file. The principal shall be chairman of the panel.

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- (2) A certificated employee appointed by the certificated employee council of the district.
- (3) A parent appointed by the Superintendent or by the Governing Board, depending upon who convenes the panel.
- (4) The persons appointed pursuant to paragraph (2) and (3) shall, if possible, not be acquainted with the pupil, his/her parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian makes the appointment.

- K. The hearing panel shall, in closed session, hear the objections of the parent/guardian or 18-year-old student or former student and the testimony of the certificated employee who recorded the information in question.

The hearing panel shall be provided with verbatim copies of the information that is the subject of the controversy.

A written finding shall be made setting forth the facts and decisions of the panel and forwarded to the Superintendent or Governing Board, depending upon who convened the panel.

- L. The restrictions imposed by this rule are not intended to interfere with the following having access to pupil records:

- (1) School officials and employees of the district and members of a school attendance review board, provided that person has a legitimate educational interest to inspect a record.
- (2) 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.
- (3) Federal education officials, the United States Office for Civil Rights, the Superintendent of Public Instruction, or the County Superintendent of Schools or their respective designees, where such information is necessary to audit or evaluate a state or federally funded program or pursuant to a federal or state law.

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- (4) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law.
 - (5) Parents of an 18-year-old pupil who is a dependent.
 - (6) A pupil 16 years of age or older or having completed the 10th grade who requests such access.
 - (7) Either parent or guardian of the student, if the student is a minor. The school shall give to each student's natural parent or legal guardian, upon request, the same information concerning academic performance that is given to the parent or guardian having legal custody.
- M. The principal or his/her designated representative may release information from pupil records to the following:
- (1) 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.
 - (2) Agencies or organizations in connection with a student's application for, or receipt of, financial aid.
 - (3) Accrediting associations.
 - (4) Organizations conducting studies for education agencies 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.

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- (5) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll.

No person, agency, or organization permitted access to pupil records shall permit access to any information obtained from such records by any other person, agency, or organization without the written consent of the pupil's parent, guardian or 18-year-old or former student.

- N. The building principal or designated representative shall notify the parent, guardian or 18-year-old student in writing concerning access and privacy rights when a student initially applies for enrollment and for all students on an annual basis at the beginning of the school year.
- O. Information concerning a student must be furnished in compliance with a court order. The parents and the students must be notified in advance of compliance by the school employee who compiles and releases the information. In meeting the demand for records required by a subpoena, the district may fulfill its requirements by submitting a copy of the record with an affidavit certifying that such copy is a true copy of the original record.
- P. Federal and state laws provide that directory information may be public as authorized by the Board.

For purposes of this section, directory information includes the following: the student's name, address, date and place of birth, major field of study, class schedule, 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 student.

- (a) Directory information may not be released to private profit-making entities other than employees, prospective employers, and news media.
- (b) Directory information may not be released to parent-teacher associations of the school that the student attends.

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- Q. Individual authorization by the parents, guardian or 18-year-old student (if over eighteen) is required in each case not provided for in Section O.

Information from, or access to, a student's records is permitted provided that the student's parents have executed a written consent specifying the records to be released, the reasons for such release, and to whom the records may be released. Included are individuals and organizations as specified in this section.

- (1) Private Individuals: Lawyers, agents, private detectives and commercial organizations are considered to be private individuals for purposes of this regulation.

- (2) Representatives of Agencies

Police Department
Sheriff Department
United States Department of Justice
Federal Bureau of Investigation
United States Department of Labor
Internal Revenue Service
Post Office Department
Probation Department
United States Department of Health, Education and Welfare
United States Department of Defense

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- R. The release of all pupil information by the school must have the approval of the principal or his/her designated representative.
- S. Requests for information associated with evaluations of federal programs must not invade the privacy of students. This provision also applies to all graduate studies. The need to protect the rights of parents and students must be balanced against the legitimate need for the information on the part of the federal agency administering the program.

T. Agencies and individuals enumerated in Section P and those listed in Section Q who have received written permission from parent/guardian, or student 18 years and older having access to student records must execute a form which becomes a permanent part of the student's file (and is available for inspection only by the parents, the student or school official responsible for record maintenance), to indicate the "legitimate educational or other interest that each person, agency, or organization has in seeking this information."

- (1) Any recipient of personal information concerning a student other than the parent of the student must indicate that no other party will be permitted access to the information without the written consent of the parent of the student.

U. Procedure for the release of student information:

Request for Pupil Information (by telephone, letter or in person)

- (1) Secretary or other employee refers request to principal or his/her designee. If request is by telephone:
 - (a) Takes message and informs caller that someone will call back promptly.
 - (b) If notarized statement is requested, informs caller that request must be in writing.
- (2) Principal or Designee
 - (a) Determines if requester is eligible to receive pupil information under regulations outlined in Section 2 or AR 5125.1 - Transfer of Student Records.
 - (b) If requester is eligible for receipt of information without written authorization, establishes positive identity and need for the information. If request is in person, verifies credentials; if by telephone, verifies by means of return telephone call. If there is any doubt whatsoever regarding the identify of the caller, he/she should be asked to make the request in person.
 - (c) Provides only the necessary information.

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- V. A log or record shall be maintained for each pupil's cumulative record listing all persons or organizations requesting or receiving information from the record and the reasons for the request. School personnel are exempt from the log.
 - (1) The log shall be open to inspection only by a parent, guardian, 16-year-old or older student and the school official or his/her designee responsible for the maintenance of pupil records.

- W. Whenever information concerning disciplinary action against a pupil, including, but not limited to, suspension or expulsion, is included in school records, the pupil's parent or guardian must be allowed to include in such records a written statement or response concerning the disciplinary action.