

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**Date:** January 28, 2019

**To:** Principals, Vice Principals

**Subject:** STUDENT RECORDS REQUESTS

**Department and/or Persons Concerned:** School Administrators, Registrars, Records Clerks

**Due Date:** Within 5 Days of Receipt from Parent

**Reference:** See Administrative Procedure No. 6520

**Action Requested:** Respond as appropriate when requests received

**Brief Explanation:**

**DEFINITION**

“Educational Record” means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche that is maintained by a school district, maintained by a person acting for a school district, or required to be maintained by an employee in the performance of his or her duties and is directly related to a student (includes name and address of student and family members and personal identifiers, i.e. ID numbers; includes student’s place of birth, maiden name or other info that a reasonable person outside the school community could use to identify the student; includes “biometric records,” i.e. fingerprints, handwriting retina scans, etc.).

**EXAMPLES**

**Mandatory Permanent Student Records**

*(Maintained indefinitely and located in student’s CUM file)*

- Legal name of student
- Date and place of birth, and method of verifying birthdate
- Gender of student
- Name and address of parent/guardian
- Address of minor student if different from above
- Entrance and departure date of each school year and for any summer session
- Report Cards
- Immunization records and/or verification of exemption
- High School Transcripts and/or date of high school graduation or equivalent

### **Mandatory Interim Student Records**

*(As long as student is enrolled, these records are maintained on site. When student is no longer enrolled, records are maintained on site for 3 years)*

- Health information
- Suspension Notices and Expulsion Records (Education Code 48918 and 49079)
- A log identifying persons or agencies who request or receive information from the student record (Cumulative File Access Logs)
  
- Health information/records
- State testing results
- Parental restrictions/stipulations in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for special education services and/or results if the student does not qualify
- Special Education Records (see below for specific information)
- Progress reports as required by Education Code 49066 and 49067
- Parental restrictions/stipulations regarding access to directory information
- Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
- Parent/guardian authorization or denial of student participation in specific programs
- Work Permits/Permits to Employ
- Absence slips and verifications (5 CCR 400)
- Independent Study evaluation/findings (Education Code 51747 (b) )
- 504 Plan Information (suggested, but not required by law)
- Language training records

### **Permitted Student Records**

*(As long as student is enrolled, these records are maintained at the school site. Clearly important to current educational process of the student. May be disposed of after 6 months following pupil's completion of/or withdrawal from the district)*

- All disciplinary notices
- Discipline Data
- Objective teacher/counselor ratings
- Standardized test results older than three years
- Verified reports of relevant behavioral patterns
- Supplemental attendance records

### **SPECIAL EDUCATION SPECIFIC RECORD DEFINITIONS:**

#### **Mandatory Interim Records**

- Copies of **all** IEPs including:
  - Signature pages
  - Team Action/Notes pages
  - Progress Reports on Goals from previous IEP

- Signed Meeting Notices
- Behavior Support Plans, where applicable
- Amendment Page/Notes with signatures
- All assessment reports from initial and triennial evaluations (psycho-educational, speech and language, OT, APE, FBA, Supplemental Support, and any other related service or evaluation)
- Test Protocols
- Signed Assessment Plans
- Official Correspondence including Prior Written Notices, written formal requests from parents, etc.
- Completed Threat Assessments (Considered discipline records)

### **Permitted Records**

*(These records should be provided if a records request is received to the extent that they have been maintained and are available at the time of the request)*

- Student work samples/portfolios
- Service logs/notes
- Suicide Risk Assessments/Contracts
- Data Records/Notebooks\*\*
- Teacher observational notes\*\*

*\*\*NOTE: These items are considered pupil records and should be provided upon request **only** to the extent that you have (1) maintained them, and (2) that they are records accessible to or shared with someone other than yourself. If they are maintained only for your personal use and reference and are not reviewed or discussed with anyone else, they are not student records.*

### **What about E-Mail?**

- E-mail communication may be considered educational records if they are printed and saved in the student file.
- E-mails should only be provided if you have printed and maintained them, and they are accessible or shared with someone other than yourself. If you have maintained them for personal use or reference, but they are not placed in the student's file or shared with anyone else, they are not student records.
- E-mail should only be printed and saved to student files if they pertain to required scheduling documentation, consent/revoking of services, or e-mails that serve as required notice to parents (i.e. Prior Written Notice).
- E-mail communication, though not a pupil record, may still be subject to a Public Records Request.
  - E-mails that are not related to an identifiable pupil but that remain on District server may become the subject of a PRA request subject to Government Code section 6250 et seq. If no exemptions apply, the e-mail must be disclosed to any member of the public requesting it.
  - E-mails should be kept brief and professional.

### **Educational Records Requests**

If you receive a request for records by a parent, or person on behalf of a parent accompanied by a written release of information, please prepare a copy of the student's educational record within five business days of receiving the request. For example, if you receive the request on a Wednesday, you begin counting the five days on the next day (Thursday), and records would be due to parents or person on behalf of a parent no later than the following Wednesday.

When records are ready, please contact the parent or person on behalf of a parent to pick up the records. It is recommended that the attached form be used to document the dates of provided records and the person signing for the records. If the person is unable to pick up records, they may send a designee with a signed release of information. School sites should consider on a case by case basis whether records need to be mailed to the person when picking up records would present a hardship.

SDUSD will provide one complete copy of the student's educational records free of charge. If parents or person on behalf of a parent makes a second request for records, they should be provided records from the date of their last request to the present date free of charge. If a second complete copy is requested, parents should be informed of that they will be charged 10 cents per page for the additional copy. Further information on this procedure can be found in Administrative Procedure 9220. Additional questions can be addressed to the Special Education Division.

In order to ensure that you provide complete educational records, please use the information contained in this Administrative Circular to determine which records need to be copied/provided. In addition, the checklist below (available to print at this link: <https://goo.gl/g2z589>) can be used to guide the process.

- Cumulative File
- Special Education Container
- Attendance Records
- Nurse's Card/Health Records
- Counselor's Records and Discipline File
- Classroom Teachers' Records
- Assessment Protocols
- All Related Service Providers' Logs, Records, and Test Protocols

*Please review the documents prior to sending them to ensure that only the required documents are included (no extra papers, etc.) and that the documents contain only records for the specified student.*

A handwritten signature in black ink that reads "Sarah Ott". The signature is written in a cursive style with a large initial 'S' and 'O'.

Sarah Ott  
Executive Director

Attachment