



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Pupil Records: Access, Confidentiality, and Notice of Educational Rights

NUMBER: BUL-2469

ISSUER: Dan Isaacs, Chief Operating Officer
Office of the Chief Operating Officer

DATE: April 24, 2006

POLICY: This bulletin establishes policy and procedures for compliance with confidentiality and privacy provisions regarding pupil record information.

MAJOR CHANGES: This bulletin updates portions of former Bulletin No. N-13, “Pupil Records: Confidentiality, Access, and Notice of Educational Rights,” issued by the Office of School Operations and dated June 16, 2000. The policies set forth in former Bulletin No. N-13 are now separated into the following three bulletins: (1) Pupil Records: Access, Confidentiality, and Notice of Educational Rights; (2) Requests to Change a Pupil’s Grade; and (3) Challenging the Content of a Pupil Record.

GUIDELINES: The following guidelines apply:

<p>ROUTING All Employees All Locations</p>

I. INTRODUCTION

Federal and state statutes govern the rights and obligations regarding access to and disclosure of pupil record information (Family Educational Rights and Privacy Act, (FERPA), 20 U.S.C. Section 1232g; California Education Code Sections 49060 *et seq.*, 49073 *et seq.*). These laws and this bulletin are applicable to all schools and offices within the District, including but not limited to elementary, middle, and high schools; adult schools, early education centers; educational options schools; continuation schools; special education schools; and dependent/affiliated charter schools.

II. PROCEDURES

A. Notification to Parent(s) and Eligible Pupil(s).

Upon a pupil’s initial enrollment and annually thereafter, parents or eligible pupils must be notified of their rights to access any and all pupil records related to their children which are maintained by the school district upon the



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pupil's initial enrollment and annually thereafter.

1. In general, parents have an absolute right of access to pupil records.
 - a. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record, offer a written response to a record, or consent to release records to others, provided, however, that either parent may grant consent if both parents have notified, in writing, the school or school district that such an agreement has been made.
 - b. In limited circumstances, marks, transcripts and diplomas may be withheld from parents or adult students. Where a student has failed to return loaned school property or willfully damaged school property, the parent and student must be notified of the unreturned or damaged property. The parent and student shall be offered an opportunity to return the property, pay for the damage or, in lieu of payment, the student may perform community service. If these efforts fail, the school may notify the parent/student that the school will withhold the marks, transcript, and diploma of the student from the parent and student until the issue is resolved. The parent/student has a right to appeal this decision. Please see Bulletin No. N-7 for more detailed procedures.
2. When inspection and review of records is requested by a parent or a pupil 16 years or older or who has completed the 10th grade, access must be provided within five (5) calendar days of the request. Access may be provided during regular school hours.
 - a. The parent must be notified of the location of all official pupil records if not located at the school.
 - b. A school employee as designated by the principal should be present to assist and oversee the inspection of the records. The parent may also request assistance from school staff in interpreting records.
 - c. The school district may make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any pupil record; provided, however, that no charge shall be made for furnishing (1) up to two transcripts of former pupils' records or (2) up to two verifications of various records of former pupils. No charge may be made to search for or to retrieve any pupil record.



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3. Education records of current or former pupils are on file at one or more locations. A parent(s) or adult pupil requesting information on the location of records should be provided with a list of record locations (Attachment D) and assisted in directing inquiries to the appropriate school site or office.
4. Generally, pupils 18 years of age and older have an absolute right of access to their pupil records. Parent(s) of an 18 year old pupil or a pupil enrolled in higher education should be denied access to the pupil's records without written authorization of the pupil, unless the pupil is a dependent (e.g., under a conservatorship).
5. Parent(s) of pupils under 18 or dependent pupils, and adult pupils who are not dependents may provide written consent to third parties to access pupil records.
 - a. This written consent should specify the records to be released, the purpose(s) of record release, and the party to whom the records may be released. This authorization should be maintained with the log.
 - b. Upon the authorized release of records by parent/adult pupils, the school shall provide the third party receiving the pupil record information with a notification that the transmission of this information to others is prohibited. (See Attachment B)

B. Maintaining Pupil Record Access Log at School Site

1. A log or record shall be maintained for each pupil's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefore. Such listing need not include:
 - a. Parents or pupils to whom access is granted pursuant to Section 49069 or paragraph (6) of subdivision (a) of Section 49076;
 - b. Parties to whom directory information is released pursuant to Section 49073; (See Section G)
 - c. Parties to whom written consent has been executed by the parent pursuant to Section 49075; or
 - d. School officials or employees having a legitimate educational interest pursuant to paragraph (1) of subdivision (a) of Section 49076.



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2. The log or record shall be open to inspection only by a parent and the school official/designee responsible for the maintenance of pupil records, and to the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, and administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

C. Pupil Record Considerations for “Specialized” Professionals

There are certain school district employees who maintain unique relationships with students. These employees have specialized training or hold specific licenses, certificates and/or credentials. They are required to exercise a greater degree of care to protect the confidentiality of information obtained within the context of their professional relationship with the student.

Some examples of these employees include school psychologists, social workers, nurses, certain counselors, physicians and individuals working under the direct supervision of the above-named professionals.

The confidential records are NOT pupil records and must be maintained by the specialized professional separate from the student’s pupil record files.

D. Access to Pupil Record Information by Third Parties

Access to pupil record information other than directory information requires the written consent of the parent/eligible pupil or a lawful court order. The California Education Code provides an exception to this general principle. Only the following entities may access pupil record information under the circumstances described below:

1. School officials and employees of the district, members of a school attendance review board appointed pursuant to Section 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing follow-up services to students referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.



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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, subject to the rights of parents as provided in Section 49068.
3. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.
4. Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.
5. Parents of a pupil 18 years of age or older who is a dependent.
6. A pupil 16 years of age or older or having completed the 10th grade who requests access.
7. Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.
8. A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200) of Part 27 of Division 4 of Title 2) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400) of Part 27 of Division 4 of Title 2).



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9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.
 10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this paragraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information. This section was added under California law; however, it does not meet the federal requirements. Therefore, it is strongly advised that we ask the requester to provide either a court order or parent/guardian authorization to ensure compliance with all legal requirements.
 11. Any county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means. This section was added under California law; however, it does not meet the federal requirements. Therefore, it is strongly advised that we ask the requester to provide either a court order or parent/guardian authorization to ensure compliance with all legal requirements.
- E. A school district may release information from pupil records to the following entities under these conditions:
1. Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.



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2. Agencies or organizations in connection with a student's application for, or receipt of, financial aid. However, information permitting the personal identification of students or their parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.
 3. The county elections official, for the purpose of identifying students eligible to register to vote, and for conducting programs to offer students an opportunity to register to vote. The information, however, shall not be used for any other purpose or given or transferred to any other person or agency.
 4. Accrediting associations in order to carry out their accrediting functions.
 5. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering pupil aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of students or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained.
 6. Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068. This information shall be in addition to the pupil's permanent record transferred pursuant to Section 49068.
- F. Notice to Authorized Third Parties Accessing Confidential Pupil Record Information

When the school provides access to confidential pupil record information, the school must also provide notice of redisclosure limitations. This notice prohibits the recipient of confidential pupil record information from sharing or redisclosing the information to any party who is not separately authorized, by law, to receive this information.



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Attachment B contains a sample notification form.

G. Directory Information:

Directory information is routine information maintained by school districts about students. It is this special category of pupil record information that does not require the same level of confidential treatment as pupil record information. Under the law, a school district may identify certain categories of information as directory information and may provide directory information to certain individuals, officials and organizations identified by the district as those who have a legitimate need to know. Parents and/or adult students have the right to limit or deny the release of any portion of directory information.

Any and all of the following items of directory information relating to a pupil may be released to a designated recipient upon request unless a written request is on file to withhold its release.

- Name
- Address
- Telephone
- Date of birth
- Dates of attendance
- Previous school (s) attended

The following agencies are authorized by the District to receive directory information:

- PTA
- Health Departments
- Elected Officials
- Military (17 and 18 year olds only; name, address and telephone only)

H. Requests for Aggregated or Statistical Data from Pupil Records

1. Requests for aggregated or statistical data from pupil records should be forwarded to Planning, Assessment and Research. Some requests may also require review by the Program Evaluation and Research Branch.



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2. School districts are not required to provide aggregated or statistical data from pupil records. In its discretion, the District may decide to provide this information if no individual pupils may be identified and if providing the information would be in the best educational interests of the pupils, as determined by the District.
 3. The District may choose to provide aggregated or statistical data from pupil record information to the following:
 - a. Public agencies or entities;
 - b. Private or nonprofit colleges or universities; or
 - c. Private or nonprofit educational research and development organizations.
 4. The District may, in its discretion, do any of the following:
 - a. Charge a reasonable fee for the collection and/or analysis of requested data;
 - b. Limit the scope or size of a request for data; and
 - c. Limit the number of requests the District will grant.
- I. Procedures for Maintaining Privacy of Pupil Record Information
1. Local Districts shall, in collaboration with the Office of General Counsel, conduct annual training or in-service programs for administrators to educate them about applicable federal and state laws and regulations relating to pupil records.
 2. Each Local District Superintendent shall designate one district administrator who will be responsible for the implementation and monitoring of policies and procedures relating to pupil records.
 3. Each site administrator shall establish a location(s) where confidential pupil records are housed and maintained in a secure manner.
 4. Site administrators shall identify those employees who will be responsible for compiling, maintaining, disseminating, and responding to requests to access pupil records.



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5. Site administrators shall discuss the appropriate use and maintenance of pupil record information in staff meetings. Additionally, at least once a year, each site administrator shall obtain from school/office personnel written acknowledgement that they have been advised of proper maintenance and use procedures and that they agree to use any pupil record they receive in a manner consistent with statutory requirements. Please see Attachment C.
6. No student, parent or other volunteer office worker shall be allowed to read, file, compile data, transport or otherwise handle information directly related to an identifiable pupil, other than directory information, unless such worker has authority to access such confidential information (see above, Part II B).
7. Access to, and release of, pupil record information shall be limited to those individuals legally authorized to receive such information and shall be provided only when the request for information is supported by a *legitimate educational interest* (i.e., the receipt of information is germane to the pupil's education).
8. Site administrators shall maintain a log for each pupil's records which lists all persons, agencies or organizations requesting and/or receiving information from the record and the legitimate educational interest in doing so, in accordance with Education Code Section 49064. This log should be made accessible to staff as necessary and should be available to parents for review.
9. Any questions regarding the appropriate practice, procedure or policy relating to pupil records should first be directed to the Local District designee responsible for pupil records. Questions that cannot be resolved at the Local District level should be directed to the appropriate central administrative office or the Office of General Counsel.

J. Maintenance and Destruction of Pupil Records

1. The maintenance and destruction of pupil records is governed by state and federal laws and regulations. There are three categories of pupil records for this purpose:



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- a. Mandatory Records: records which are maintained in perpetuity and which schools have been directed to compile by statute, regulation, or authorized administrative directive. These records include:
 - 1) Legal name of pupil;
 - 2) Date of birth;
 - 3) Method of verification of birth date;
 - 4) Sex of pupil;
 - 5) Place of birth;
 - 6) Name and address of parent of minor pupil
 - a) Address of minor pupil if different than the above;
 - b) An annual verification of the name and address of the parent and the residence of the pupil.
 - 7) Entering and leaving date of each school year and for any summer session or other extra session;
 - 8) Subjects taken during each year, half-year, summer session, or quarter;
 - 9) If marks or credits are given, the mark or number of credits toward graduation allowed for work taken;
 - 10) Verification of exemption from required immunizations;
 - 11) Date of high school graduation or equivalent.
- b. Mandatory Interim Records: records which the schools are directed to compile and maintain for stipulated periods of time and then are destroyed per statute, regulation, or authorized administrative directive. These records include:
 - 1) A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. This log is accessible only to the parent/guardian/eligible pupil, dependent adult pupil, or custodian of records.
 - 2) Health information, including Child Health Development Disabilities Prevention Program verification or waiver;
 - 3) Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge;
 - 4) Language training records;
 - 5) Progress slips and/or notices as required by Education Code Sections 49066-49067;
 - 6) Parental restrictions regarding access to directory information and related stipulations;



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- 7) Parent or adult pupil rejoinders to challenged records and to disciplinary actions;
 - 8) Parental authorizations or prohibitions of pupil participation in specific programs; and
 - 9) Results of standardized tests administered within the preceding three years.
- c. Permitted Records: records having clear importance only to the current educational process of the student. These records may include:
- 1) Objective counselor and/or teacher ratings;
 - 2) Standardized test results older than three years;
 - 3) Routine discipline data;
 - 4) Verified reports of relevant behavioral patterns;
 - 5) All disciplinary notices;
 - 6) Attendance records not covered in the Administrative Code Section 400, which requires records to be kept for apportionment of state funds and to ensure compliance with the compulsory education law.
2. For more information about destruction of pupil records, please contact the Office of the Chief Information Officer.

ATTACHMENTS: A: Glossary of Terms
B: Sample Notice to Authorized Recipients of Pupil Record Information
C: Sample Acknowledgement Form for School Staff
D: Location of Pupil Records

AUTHORITY: Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. Section 1232g
California Education Code Sections 49060 *et seq.*, 49073 *et seq.*
Title V, California Code of Regulations Sections 400, 430-434

RELATED RESOURCES: For more information regarding requests to change a pupil’s grade, please see Bulletin No. 1926.1. For more information regarding challenging the content of a pupil record other than grades, please see Bulletin No. 2433. For more information regarding restitution procedures including withholding certain pupil records, please see Bulletin No. N-7.

ASSISTANCE: For assistance or further information please contact your Local District or the Office of the General Counsel.



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ATTACHMENT A

GLOSSARY OF TERMS

- A. Access—the right to inspect and review content of pupil records. This includes oral communication of pupil record information.
- B. Confidentiality—The obligation to maintain privacy of pupil record information.
- C. Court Order—a document from a court, signed and dated by a judicial officer and affixed with the court’s stamp or seal. Examples of court orders include a summons or subpoena. A subpoena may require a personal appearance and/or production of records.
- D. Cumulative Card—Document used to maintain Mandatory Permanent Records. The following information, and no other, must be permanently maintained on the cumulative card:
 - 1. Legal name of the pupil;
 - 2. Date of birth;
 - 3. Method of verification of birth date;
 - 4. Sex of pupil;
 - 5. Place of birth;
 - 6. Name and address of parent of minor pupil (also include address of minor pupil if different from parent’s, and include annual verification of the name and address of the parent and residence of the pupil);
 - 7. Entering and leaving date of each school year and for any summer session or other extra session;
 - 8. Subjects taken during each year, half-year, summer session or quarter;
 - 9. If marks or credits are given, the marks or number of credits toward graduation for work taken;
 - 10. Verification of or exemption from required immunizations; and
 - 11. Date of high school graduation or equivalent.
- E. Cumulative File—File used to maintain pupil record information including Mandatory Permanent Records, Mandatory Interim Records, and Permitted Records. Pupil records maintained in locations other than the school office may also be a part of the cumulative file. The following information shall be maintained in the cumulative file:
 - a. Mandatory Permanent Records (see Cumulative Card definition);
 - b. Mandatory Interim Records, which include the following:
 - i. A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the pupil record. The log or record shall be accessible only to the legal parent or guardian or the eligible pupil, or dependent adult pupil, adult pupil, or custodian of records);



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- ii. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver;
 - iii. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge;
 - iv. Language training records;
 - v. Progress slips and/or notices regarding academic performance;
 - vi. Parental restrictions regarding access to directory information or related stipulations;
 - vii. Parent or adult pupil rejoinders to challenged records and to disciplinary action;
 - viii. Parental authorizations or prohibitions of pupil participation in certain programs; and
 - ix. Results of standardized tests administered within the preceding three years.
- c. Permitted Records may be maintained for appropriate educational purposes and which include the following:
- x. Objective counselor and/or teacher ratings;
 - xi. Standardized test results older than three years;
 - xii. Routine disciplinary data;
 - xiii. Verified reports of relevant behavioral patterns;
 - xiv. All disciplinary notices; and
 - xv. Attendance records except for those that are retained for apportionment of State funds or to insure general compliance with compulsory education laws.
- F. Directory Information- Directory information is personally identifiable information of a pupil that may be released to identified entities without permission. Pursuant to Education Code Section 49073, the District has identified the following as directory information: pupil's name, address, telephone number, date of birth, dates of attendance, and previous school(s). The District has identified the following entities as authorized recipients of pupil directory information: approved California post-secondary institutions (including for-profit accredited institutions), the United States Armed Forces recruiting agencies (applicable only to high school juniors and seniors), elected federal, state, and county officials (e.g., health department), and the PTA. Please see Memorandum No. 372 for additional information.
- G. Eligible Pupil-When a pupil reaches the age of eighteen or enrolls in higher education (not concurrently), all educational rights transfer from the parent to the pupil, unless the pupil is conserved or his/her educational decision-making rights are limited by a court of competent jurisdiction.
- H. Parent-A natural parent, an adopted parent, guardian, surrogate parent appointed by the school for the limited purpose of the special education process, or any other individual with court-ordered educational rights for the pupil. When a pupil attains the age of 18 years, if the pupil is not conserved or deemed incompetent by a court, the educational rights of the parent are accorded to the pupil.



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- I. Pupil Record-All items of information directly related to an identifiable pupil including but not limited to cumulative record information, correspondence with the parent regarding the student, individualized education programs and related documents, and health records which is maintained by a school district or any employee in the course of his/her duties whether recorded by handwriting, print, tapes, film, microfilm, or an electronic system. Any personally identifiable information about pupils shall be maintained to preserve the expectation of privacy and confidentiality, such as in a locked file.

Pupil records do not include anecdotal notes related to a pupil compiled by a school employee which remain in the sole possession of the school employee and are not accessible or revealed to any other person except a substitute. "Substitute" in this context means a person who performs, on a temporary basis, the duties of the individual who made the notes if the information is necessary for the substitute to perform the duties. Outside of this exception, if anecdotal notes related to a pupil are shared, the notes become a pupil record.



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ATTACHMENT B

SAMPLE NOTICE TO AUTHORIZED RECIPIENTS OF PUPIL RECORD INFORMATION

This document(s) contains personal information from a pupil's education records. It is protected by the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. Section 1232g) and may not be re-released without the consent of the parent or eligible pupil. It is understood and agreed that the undersigned will not permit any other party to have access to such information without the written consent of pupil's parent, guardian or adult pupil. The undersigned acknowledges that failure to comply with this requirement may result in penalties under FERPA, including the prohibition against your access to personally identifiable information from education records for at least five years.

Signature

Agency or Organization

Copy - Pupil Records

Date



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ATTACHMENT C

SAMPLE ACKNOWLEDGEMENT FORM FOR SCHOOL STAFF

My site administrator(s) has discussed the appropriate use and maintenance of confidential pupil record information with me. I have been advised of proper maintenance and use procedures with regard to pupil record information and I agree to use any pupil record I receive in a manner consistent with statutory requirements.

Print Name

Sign Name

Date



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ATTACHMENT D

LOCATION OF PUPIL RECORDS

LOCATION	TYPE OF RECORDS
School of Attendance (Records remain at the site for at least five years)	Cumulative Health, Special Education Counseling Disciplinary
District Psychological Services 333 South Beaudry Avenue, 17 th Floor Los Angeles, CA 90017 (213) 241-8303	Psychological
Pupil Services Pupil Discipline Proceedings Unit 333 South Beaudry Avenue, 18 th Floor Los Angeles, CA 90017 (213) 241-3841	Expulsion Records
School Mental Health Centers 439 West 97 th Street Los Angeles, CA 90003 (213) 754-2856	Counseling Psychological
Parent Teacher and School Health Centers 10 th District PTA School Health Centers 1000 Venice Boulevard Los Angeles, CA 90015 (213) 745-7114	Dental Health Vision
31 st District PTA School Health Clinic 17445 Cantlay Street Van Nuys, CA 91406 (818) 344-3581	Dental Health Vision
Last School Attended – Former students 0 – 5 years	Cumulative Health, Special Education Counseling Disciplinary



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Information Center Branch
Student Records/Transcripts
Former students – 5 years or more
333 South Beaudry Avenue, 10th Floor
Los Angeles, CA 90017
(213) 241-1080

Cumulative
Health, Special Education

Related Services Department
Division of Special Education
333 South Beaudry Avenue, 16th Floor
Los Angeles, CA 90017
(213) 241-3325

Adapted Physical Education	(213) 241-8052
Assistive Technology	(213) 241-8055
Audiology/Deaf/Hard of Hearing	(213) 241-8053
Language and Speech	(213) 241-3333
Occupational Therapy/ Physical Therapy	(213) 241-8054
Programs for Physically Disabled	(213) 241-3325
Visually Handicapped	(213) 241-8051