

TUOLUMNE COUNTY SELPA
STUDENT RECORDS
Consent to Release Student Records

7020
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The Tuolumne County Special Education Local Plan Area (SELPA) is committed to protecting the privacy and confidentiality of student records.

Parents of currently enrolled or former students have an absolute right of access to any and all pupil records related to their children that are maintained by school districts or private schools. The editing or withholding of any of these records, except as provided for under state and federal law, is prohibited.

The Tuolumne County SELPA must adopt procedures for the granting of requests by parents for copies of all pupil records, or to inspect and review records during regular school hours. The requested access shall be granted no later than five (5) business days following the date of the request. Such procedures shall include notification to parent/guardian of the location of all official pupil records if not centrally located and the availability of qualified certificated personnel to assist parent/guardian with interpretation of the record, if requested.

Parent means a natural or adopted parent or legal guardian. If parents are divorced or legally separated, only a parent having legal custody of the child may challenge the content of a record, pursuant to section 49070. offer a written response to a records in accordance with section 49072, or consent to the release of records pursuant to section 49075. If a pupil has attained the age of 18 years or is attending an institute of postsecondary education, the permission or consent required of, and the rights accorded to, the parent/guardian of the pupil shall thereafter only be required of the pupil.

Pupil record means any item of information directly related to an identifiable student, other than directory information, that is maintained by a member LEA or SELPA or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, films, microfilm or other means.

Pupil record does not include informal notes related to a pupil that are compiled by a LEA officer or employee or SELPA officer or employee that remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this subdivision, a "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her possession.

Directory information means one or more of the following: Student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height or members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended.

Access means a personal inspection and review of a record or any accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

I. The SELPA shall not permit access to student records to a person without written parental/guardian consent or judicial order, except as set forth below:

Access to particular records relevant to legitimate educational interests of the requestor shall be permitted to the following without prior written consent of parent/guardian:

- 1) The SELPA may permit access to pupil records to any person for whom a parent of the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file.
- 2) The SELPA has the right to share information internally among its employees and contractors shown to have a legitimate educational interest in the information, without parent consent.
- 3) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to a high school graduation are provided or where the pupil intends to or is directed to enroll may have access to student records, without consent of the parent.
- 4) Authorized representatives of the Comptroller General of the United States, the United States Secretary of Education, and state and local educational authorities, or the United States Department of Education's Office for Civil Rights, if the information is necessary to audit or evaluate a state or federally supported educational program, or in connection with the enforcement of, or compliance with, the federal legal requirements that relate to such a program, without the consent of the parent. Student records released pursuant to this paragraph shall

comply with the requirements of Section 99.35 of the Code of Federal Regulations.

- 5) Parents of a pupil 18 years of age or older who is a dependent of the parents, as defined in federal law, may have access to student records, without consent of the student.
- 6) A pupil 16 years of age or older having completed the 10th grade who requests access may have such access, without parent consent.
- 7) A district attorney in truancy proceedings may have access to student records, without parent consent.
- 8) A prosecuting agency for consideration against a parent or guardian for failure to comply with compulsory education does not need parent consent to have access to student records.
- 9) A probation officer, district attorney, or counsel of record for a minor for the purposes of conducting a criminal investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation does not need parent consent prior to having access to student records.
- 10) A judge or probation officer for purposes of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition does not need parent consent to access student records. The judge or probation officer shall certify in writing to the SELPA that the information will only be used for truancy purposes. If a SELPA releases pupil information to a judge or probation officer pursuant to this paragraph it shall inform, or provide written notification, to the parent or guardian of the pupil within 24 hours of the release of the information.
- 11) A county placing agency who is fulfilling a health and education summary or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or the law to assist with school transfer or pupil enrollment does not require parent consent to access records.
- 12) Unless otherwise judicially instructed, the SELPA must, prior to the disclosure of any student records to organizations, agencies, or persons outside the school pursuant to a court order, make reasonable efforts to notify the parent

or legal guardian and the pupil that the records are being disclosed. Only those records related to the specific purpose of the court order will be disclosed.

- 13) A pupil who is 14 years of age or older and who is a homeless and unaccompanied youth as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434(a)(6) & (6)), does not require parental consent to access records.
- 14) An individual who completes items 1-4, inclusive, of the Caregiver's Authorization Affidavit under Family Code Section 6652, and signs the affidavit for purposes of enrolling a minor in school does not require parental consent to access records.
- 15) A state or local child welfare agency caseworker or other representative, or tribal organization as defined in Section 450b of Title 25 of the United States Code, that has legal responsibility, in accordance with state or tribal law, for the care and protection of the pupil does not require parental consent to access records.
- 16) A foster family agency with jurisdiction over a currently or formerly enrolled pupil, a short-term residential treatment program employee responsible for the education or case management of a pupil, and a caregiver who has direct responsibility for the care of the pupil, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code, does not require parental consent to access records.
- 17) Designated peace officers or law enforcement agencies in cases where the SELPA is authorized by law to assist law enforcement in investigation of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals.

II. At their discretion, the SELPA Administrator or designee may release information from a student's records to the following:

- (1) Appropriate persons in an emergency if the health and safety of the student or other persons are at stake.

- (2) When releasing information to any such appropriate person, the SELPA Administrator or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made.
- (3) Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student of their parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding financial aid, or enforce the terms or conditions of the financial aid.
- (4) County elections officials for the purposes of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any to any other person or agency.
- (5) Accrediting associations in order to carry out their accrediting functions.
- (6) Organizations conducting studies for, or on behalf of, educational agencies or institutions for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, provided that:
 - (a) The studies are conducted in a manner that will not permit the personal identification of pupils or their parents other than representatives of the organizations who have legitimate interests in the information.
 - (b) The information will be destroyed when no longer needed for the purpose for which the study was conducted.
 - (c) The organization enters into a written agreement with the organization that complies with 34 CFR 99.31.
- (7) Officials and employees of private schools, school systems or post-secondary institutions where the student is enrolled or intends to enroll, subject to the rights of parents as provided in Education Code 49068 and in compliance with 34 CFR 99.34.

- (8) Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties.

References: EC 49061
EC 49069
EC 49075,
EC 49076,
EC 49076.5
20 U.S. C. 1232g - Family Education Rights Privacy Act (FERPA)