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**EDUCATIONAL RECORDS AND STUDENT INFORMATION POLICY**

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**I. Purpose**

The purpose of this Educational Records and Student Information Policy (“Policy”) is to document guidelines for maintaining, accessing, and disposing of student records at Pathways Academy Adult Education (“PAAE” or the “Charter School”).

**II. Terms and Definitions**

Student records are generally divided into three categories:

- Mandatory Permanent Student Records.
- Mandatory Interim Student Records.
- Permitted Student Records.

Student records do not include, for example:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records maintained by a law enforcement unit of the Charter School that were created by that law enforcement unit for the purpose of law enforcement in accordance with 34 CFR 99.3;
3. Records relating to a Charter School employee that are made and maintained in the normal course of business, relate exclusively to the individual in that individual’s capacity as an employee, and are not available for use for any other purpose;
4. Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with the treatment of the student; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the Charter School;
5. Records created or received by the Charter School after the individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student;
6. Grades on peer-graded papers before they are collected and recorded by a teacher; and
7. Social security numbers. The Charter School shall not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents or guardians unless otherwise required to do so by state or federal law.

Mandatory Permanent Student Records are records that the Charter School has been directed to compile by law, regulation, or administrative directive. Mandatory permanent student records must be maintained in perpetuity and include the following:

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1. Legal name of student.
2. Date of birth.
3. Method of verification of birth date.
4. Sex of student.
5. Place of birth.
6. Name and address of parent/guardian of minor student.
  - a. Address of minor student if different than above.
  - b. An annual verification of the name and address of the parent/guardian and the residence of the student.
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 credit are given, the mark or number of credits toward graduation allows for work taken.
10. Verification of or exemption from required immunizations.
11. Date of high school graduation or equivalent.
12. All records pertaining to any accident or injury involving a minor for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class – Permanent records one year after the claim has been settled or the statute of limitations has run.

Mandatory Interim Student Records are records that the Charter School is required to compile and maintain for a period of three (3) years after the student leaves the charter school or the usefulness of the record ceases. Such records include:

1. A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible student, or a dependent adult student, or an adult student, or the custodian of records.
2. Health information, including Child Health Developmental 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.
6. Parental restrictions regarding access to directory information or related stipulations.
7. Parental or adult student rejoinders to challenged records and to disciplinary action.
8. Parental authorizations or prohibitions of student participation in specific programs.
9. Results of standardized tests administered within the preceding three years.
10. Expulsion orders and cause(s) for expulsion.

Permitted Records are records having clear importance only to the current educational program of the student and may be maintained for appropriate education purposes. Permitted records may be destroyed when their usefulness ceases or six (6) months following the student's completion or withdrawal from school. Such records may include:

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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 5 CCR § 400

Personally identifiable information (“PII”) is information about a student that is contained in the student’s education records that cannot be disclosed without compliance with the requirements of Family Educational Rights and Privacy Act of 2001 (FERPA). PII includes, but is not limited to: a student’s name; the name of a student’s parent/guardian or other family members; the address of a student or student’s family; a personal identifier, such as the student’s Social Security number, student number, or biometric record; other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the Charter School reasonably believes knows the identity of the student to whom the education record relates.

Parent/guardian means a parent/guardian of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Eligible student means a student who has reached eighteen (18) years of age.

### **III. Maintenance, Retention, and Destruction of Student Records**

Charter School’s [TITLE] is the designated Custodian of Records. The Custodian of Records and/or their designee shall be responsible for overseeing the implementation of this Policy and processing any requests for access to or transfer of student records.

The Custodian of Records is responsible for the security of student records maintained by the Charter School and for devising procedures for assuring access to such records is limited to authorized personnel.

Records for each individual pupil shall be maintained in a central file at the Charter School. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required. The Custodian of Records shall select a secure location at the Charter School such as a locked cabinet, room, or digital database where student records will be maintained at all times.

Student records shall be maintained consistent with the classification of the record as either mandatory permanent student records, mandatory interim student records, or permitted student records. The retention period for student records shall be as follows:

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- Mandatory permanent student records must be maintained permanently.
- Mandatory interim student records must be maintained for a period of three (3) school years after the student leaves the Charter School or the usefulness of the record ceases. The mandatory interim student record may be destroyed thereafter.
- Permitted student records may be destroyed when their usefulness ceases or six (6) months after the student completes or withdraws from the educational program.

Student records may be destroyed by shredding the records or by other means which assure complete destruction. Student records must be destroyed in a manner which prevents reconstruction of the records and prevents disclosure of any personally identifiable information.

**IV. Access to Student Records****Requesting Student Records**

Parents/guardians and eligible students have the right to review the student's education records. In order to do so, parents/guardians and eligible students shall submit a request to review education records in writing to the registrar/admissions office. Within five (5) business days, the Charter School shall comply with the request.

**Copies of Education Records**

The Charter School may charge reasonable fees for copies it provides to parents/guardians or eligible students, not to exceed the actual cost of providing the copies. However, no charge shall be made for furnishing (1) up to two transcripts of former students' records or (2) up to two verifications of various records of former students. The charge will not include a fee to search for or to retrieve the education records.

**Request for Amendment to Education Records**

Following the inspection and review of a student's education record, a parent/guardian or eligible student may file a written request with the registrar/admissions office to correct or remove any information in the student's education record that is any of the following:

- a. Inaccurate
- b. An unsubstantiated personal conclusion or inference
- c. A conclusion or inference outside of the observer's area of competence
- d. Not based on the personal observation of a named person with the time and place of the observation noted
- e. Misleading
- f. In violation of the privacy or other rights of the student

The Charter School will respond within thirty (30) days of receipt of the request to amend. The Charter School's response will be in writing and if the request for amendment is denied, the

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Charter School will set forth the reason for the denial and inform the parent/guardian or eligible student of their right to a hearing challenging the content of the education record.

If the Director or designee sustains any or all of the allegations, the Director or designee must order the correction or the removal and destruction of the information. The Director or designee must then inform the parent/guardian or eligible student of the amendment in writing.

Hearing to Challenge Education Record

If the Charter School denies a parent/guardian or eligible student's request to amend an education record, the parent/guardian or eligible student may, within thirty (30) days of the denial, appeal the denial in writing to the Board of Directors.

Within 30 days of receipt of the appeal, the Board of Directors shall determine whether or not to sustain or deny the allegations in closed session, in accordance with Education Code section 49070. The decision of the Board is final.

School Record Keeping Requirements Re Access/Disclosure

The Charter School will maintain a record of each request for access to and each disclosure of PII from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

These record keeping requirements do not apply to requests from or disclosure to parents/guardians or eligible students, school officials with a legitimate purpose of inspecting the records in accordance with FERPA, a party with written consent from the parent/guardian or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of PII may only be inspected by parents/guardians and eligible students, Custodian of Records, and certain state or federal officials as may be required by applicable state or federal law.

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

The Charter School 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 section 49073.1 and other applicable state and federal laws.

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