

Student Records

Intent of Policy

The intent of this policy is to ensure that student records are maintained in a manner that ensures proper parent access to student records while preventing any unauthorized release of student information.

Definitions

1. **Student**: “Student” means any individual who is or has been in attendance at Encore and regarding whom Encore maintains education records. “Attendance” includes, but is not limited to, in person, by paper correspondence, videoconference, satellite, Internet, or other technologies used when a student is not in the classroom, and also includes students who are enrolled in an Encore work-study program;
2. **Parent**: “Parent” means a natural parent, legal guardian, or an individual acting as a parent of a student in the absence of a parent or a guardian;
3. **Student Record/Pupil Record**: “Student Record” or “Pupil Record” means any item of information directly related to an identifiable student, other than directory information, that is maintained by Encore or required to be maintained by an Encore employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Student records do not include any of the following:

- a. **Informal notes** related to a student compiled by an Encore 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;
- b. **Directory Information** collected and/or maintained by Encore in accordance with Board Policy
- c. **Law Enforcement Records** of the law enforcement unit of Encore (if any);
- d. **Employee Records** related exclusively to an Encore employee’s capacity as an employee;



- e. Records created or received by Encore after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student at Encore; and
- f. Grades on peer-graded papers before they are collected and recorded by a teacher.

(Ed. Code § 49061; 5 Cal Code of Regs. § 430; 34 C.F.R. § 99.3.)

Encore's Custodian of Records

The Board hereby designates Rashad Akhnoukh/Records Manager as Encore's Custodian of Records. The Custodian of Records is responsible for implementing the Board's policies regarding student records throughout Encore. The Custodian of Records shall ensure that each Encore representative is properly implementing policies.

Encore Representatives

The CEO of Encore or employee designated by the CEO shall be the Encore representative responsible for implementing any Encore policies regarding student records.

Authorized Access to Student Records

Any authorized person shall be guaranteed access to student records within 5 day of the date they make their request.

Authorized access shall be as follows:

1. Absolute Right to Access:

- a. For students under 18 years of age, the parents of currently enrolled or former students have an absolute right to access to any and all student records related to their children that are maintained by Encore. Encore shall not edit or withhold any record unless it is permitted to by law;
- b. If an individual with exceptional needs has reached age of 18 and has been determined to be incompetent under State law, the parent/guardian or caretaker shall be granted absolute access;
- c. Students who have reached 18 years of age or are attending an institution of postsecondary education; and
- d. Pursuant to a judicial order for records.

2. Access Based on Legitimate Educational Interest



Encore shall grant access to student records without parental consent or a judicial order where there is a “Legitimate Educational Interest” authorized by law.

Encore shall only grant access to those particular records relevant to the legitimate educational interests of the requester as defined by Education Code § 49076(a)(1). Encore shall develop rules and procedures specifying those individuals who are qualify as having a legitimate educational interest justifying their access to student records.

All requests for access to student records shall be reviewed by the Custodian of Records and/or the Encore Representative prior to the approval of any request. The individual making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

3. Conditional Access

Encore also has the discretion to grant “Conditional Access” to information contained in a student record pursuant to Education Code § 49076(a)(2).

Encore shall develop rules and procedures specifying the circumstances under which Encore may release specified information from student records consistent with the law.

All requests for access to or information from student records shall be reviewed by the Custodian of Records and/or the Encore Representative prior to the approval of any request. The individual or agency making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

Procedures for Parent Access to Student Records

Encore shall maintain all student records at the following location: 16955 Lemon Street, B Building, B6. Parents requesting to copy, inspect, and/or review student records shall make their request at this location during regular business hours.

The requested access shall be provided within 5 days of the date of the request. If a parent has requested to review or inspect student records, Encore staff shall provide them access to the records in a manner that ensures the continued integrity and privacy of the records being inspected or reviewed.

If a parent is seeking copies of records, Encore may charge the parents for the actual cost of copying the records.

Security of Records

The Custodian of Records shall be responsible for the security of student records maintained by Encore and shall coordinate with the Encore Representatives to devise procedures for assuring that access to such records is limited to authorized persons.

Records for each individual student shall be maintained in a central file at Encore, or when records are maintained in different locations a notation in the central file as to where such other records may be found is required.

Types of Records Collected and Maintained By Encore

The CEO of each school shall keep on file a record of enrollment for each Student currently enrolled in Encore.

Encore shall not compile any other student records except “mandatory” or “permitted” records as defined as follows:

1. **“Mandatory Permanent Pupil Records”** are those records which Encore is required by law to compile. Encore shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every student who was enrolled in an Encore program. The mandatory permanent pupil record or a copy thereof shall be forwarded by Encore whenever Encore receives a request for student records from Encore;
2. **“Permitted Records”** are those student records which Encore may maintain for appropriate educational purposes and may include:
 - a. Objective counselor and/or teacher ratings;
 - b. Standardized test results older than three years;
 - c. Routine discipline data;
 - d. Verified reports of relevant behavioral patterns;
 - e. All disciplinary notices;
 - f. Attendance records not required for State funds, to ensure compliance with compulsory attendance laws, and/or to insure a student is regularly attending school.

Student Records Required to Be Signed

All anecdotal information and assessment reports maintained as a student record shall be dated and signed by the individual who originated the data.

Annual Notice to Parents

Encore shall notify parents in writing at least annually of their rights in regard to student records as required by Education Code § 49063.

When Parent's Primary Language is Not English

When a parent's primary language is not English, Encore shall make an effort to:

1. Provide interpretation of the pupil record in the primary language of the parent; or
2. Assist the parent(s) in securing an interpreter.

Encore May Not Withhold Student Records

Neither the pupil record, nor any part thereof, shall be withheld from the parent or eligible pupil requesting access.