



Board Agenda Item #	III A- Consent Item
Date:	July 23, 2020
To:	Magnolia Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of Maintenance and Destruction of Student Records Policy

Proposed Board Recommendation

I move that the board approve the Maintenance and Destruction of Student Records Policy.

Background

This is a policy that MPS needs to adopt in order to have consistent office procedures regarding maintenance and destruction of student records. The policy is based on Title 5 of the California Code of Regulations (“CCR”) sections 431 through 438, per the following:

- “Mandatory Permanent Student Records”: must be maintained indefinitely or an exact copy thereof for every student who was enrolled in the charter school.
- “Mandatory Interim Student Records”: Must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023).
- “Permitted Student Records”: may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school.

The policy describes student records that fall under these three categories and provides guidance for how long records should be retained before they are destroyed. This new policy is also consistent with the LAUSD policy.

Budget Implications

N/A

How Does This Action Relate/Affect/Benefit All MSAs?

This new policy will help us implement consistent office procedures regarding maintenance and destruction of student records.

Name of Staff Originator:

David Yilmaz, Chief Accountability Officer

Exhibits (Attachments):

- Maintenance and Destruction of Student Records Policy

MAINTENANCE AND DESTRUCTION OF STUDENT RECORDS POLICY

Charter School complies with the definition and retention of student records as established in Title 5 of the California Code of Regulations (“CCR”) sections 431 through 438, per the following:

- “*Mandatory Permanent Student Records*”: must be maintained indefinitely or an exact copy thereof for every student who was enrolled in the charter school. These records are defined as:
 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 of minor student
 7. Address of minor student if different than above
 8. An annual verification of the name and address of the parent and the residence of the student
 9. Entering and leaving date of each school year and for any summer session or other extra session
Subjects taken during each year, half year, summer session or quarter
 10. If marks or credit are given, the mark or number of credits toward graduation allows for work taken.
 11. Verification of or exemption from required immunizations
 12. Date of high school graduation or equivalent

The mandatory permanent student record or a copy thereof shall be forwarded by the Charter School upon request of a public or private school in which the student has enrolled or intends to enroll. If the Charter School forwards the original mandatory permanent student record, a copy must be maintained by the Charter School. If the Charter School forwards a copy, the original must be maintained by the Charter School.

- “*Mandatory Interim Student Records*”: Must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023). These records are defined as:
 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

The mandatory interim student record or a copy thereof shall be forwarded by the Charter School upon request of a public school in California in which the student has enrolled or intends to enroll. If the transfer is to an out of state or to a private school, the mandatory interim student record may be forwarded. If the Charter School forwards the original mandatory interim student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

- *“Permitted Student Records”*: may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school. These records are defined as:
 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

Permitted student records may be forwarded upon a request by a public or private school in which a student is enrolling. If the Charter School forwards the original permitted student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

§ 437. Retention and Destruction of Pupil Records

(a) No additions except routine updating shall be made to the record after high school graduation or permanent departure without the prior consent of the parent or adult pupil.

(b) Mandatory permanent pupil records shall be preserved in perpetuity by all California schools according to Chapter 2, Division 16, Part I, of this title.

(c) Unless forwarded to another district, mandatory interim pupil records may be adjudged to be disposable when

the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with Section 16027 of this title during the third school year following such classification.

(d) Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.

The method of destruction shall assure that records are not available to possible public inspection in the process of destruction.

§ 16022. Classification of Records

(a) **Prior Year Records.** Before January 1, the district superintendent (or a person designated by the district not employing a superintendent) shall review documents and papers originating during the prior school year and classify them as Class 1 - Permanent, Class 2 - Optional, or Class 3 - Disposable.

(b) **Continuing Records.** Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased. A pupil's cumulative record, if not transferred, is a continuing record until the pupil ceases to be enrolled in the district.

(c) **Microfilm Copy.** Whenever an original record is photographed, microphotographed, or otherwise reproduced on film, the copy thus made is hereby classified as Class 1 - Permanent. The original record, unless classified as Class 2 - Optional, may be classified as Class 3 - Disposable and may then be destroyed in accordance with this chapter if the following conditions have been met:

(1) The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

(2) The superintendent has attached to or incorporated in the microfilm copy his signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code.

(3) The microfilm copy was placed in a conveniently accessible file, and provision was made for preserving permanently, examining and using same.

(d) Any "historical inventory of equipment" shall be a continuing record as provided in subdivision (b) and shall not be subject to classification for retention or destruction until the inventory is superseded or until the equipment is removed from district ownership.

Cumulative Card: Document used to maintain Mandatory Permanent Pupil Records.

Cumulative File: File used to maintain pupil record information including Mandatory Permanent Records, Mandatory Interim Records, and Permitted Records.

Records Retention Schedule

Title 5 of the California Code of Regulation Section 16022 requires that school district records be reviewed on an annual basis and classified as Permanent, Optional, or Disposable. Disposable records should be deleted or destroyed after they have met their retention requirements. The following Records Retention Schedule provides guidance for how long records should be retained before they can be destroyed.

Any records with personal information, health information, pupil information or employee information should never be left unprotected and should be shredded or otherwise made irretrievable when deleted or destroyed.

Mandatory Permanent Pupil Records

- Cumulative Files
 - Senior High records
 - Elementary records
 - Health Information Card
 - Immunization Cards (pull out immunization copies, information should have been transferred to the immunization card)
 - Birth Certificate and other legal documents used to verify birth date
 - Copies of documents that verify U.S. residence
 - Original transcripts or student information from other districts
- Enrollment Records not maintained in the Cumulative Files or SIS that detail the legal name of the pupil, date of birth, method for verification of birth date, sex, place of birth, name and address of the parent of minor pupil, including address of the pupil if different from the parent and an annual verification of the name and address of the parent and residence of the pupil.
- Academic Records not maintained in the Cumulative Files or SiS that detail the entering and leaving date of each school year and for any summer session or extra session; subjects taken during each year, half-year, summer session, or quarter; mark or number of credits toward graduation allowed for work taken; or date of high school graduation or equivalent
- Verification of exemption from required immunization.

Classification: 1

Retention: 5 Years after the expected graduation year, Mandatory Permanent Pupil records should be transferred to the Student Records Center for digitization and permanent storage at the Student Records Center.

Mandatory Interim Pupil Records

- Access logs
- Special education program tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge (IEP/“green folders”)
- Progress reports and/or notices
- Parental restrictions regarding access to directory information

<ul style="list-style-type: none"> • Parent or adult student rejoinders to challenged records and to disciplinary action • Parental authorizations or prohibitions of student participations in specific programs • Results of standardized tests
<p>Classification: 3</p>
<p>Retention: 5 Years after graduation from High School or 5 years after the student leaves the School</p>

<p>Permitted Records</p>
<ul style="list-style-type: none"> • Objective counselor and/or teacher ratings, e.g., SSPT Student Support and Progress Team (SSPT) Documents • Standardized test results older than three years • Routine discipline data • Verified reports of relevant behavioral patterns • All disciplinary notices • Attendance records not covered in the California Code of Regulations, Title 5, Section 400 (e.g. notes from parents including absence notices) <p><i>Notes made or kept for the convenience of the classroom teacher may be disposed of when the student leaves the teacher's roster or when the notes are no longer useful.</i></p>
<p>Classification: 3</p>
<p>Retention: 4 Years and no less than 6 months after the student leaves the School</p>