OPTIONS FOR YOUTH – SAN GABRIEL
MAINTENANCE, RETENTION, AND DESTRUCTION OF STUDENT RECORDS

I. PURPOSE

This policy of Options for Youth – San Gabriel ("OFY") is meant to provide details for managing student records at school sites and off-site, as well as provide a student record retention schedule.

II. TERMS AND DEFINITIONS

Mandatory Permanent Student Record ("Permanent") (Class I): the original, or one exact copy, of the following data shall be maintained indefinitely. The information listed below is also internally called the "Mandatory Permanent Data."

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 or guardian of pupil

    a. Address of minor pupil if different than 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 credit are given, the mark or number of credits toward graduation allowed for work taken (transcripts)

10. Verification of or exemption from required immunizations

11. Date of graduation or equivalent, e.g. California High School Proficiency Test

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 Record ("Interim") (Class II): the following records must be kept for a period of three (3) years after the student leaves OFY or their usefulness ceases, and then may be destroyed thereafter. A file for each student who has been enrolled containing:

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 of the eligible pupil, or dependent adult pupil, or an adult pupil, 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 (i.e., Special Education Records, as defined herein)

4. Language training records

5. Progress slips and/or notices required by Education Code Sections 49066 and 49067

6. Parental restrictions regarding access to directory information or related stipulations

7. Parent or adult pupil rejoinders to challenged records and to disciplinary action

8. Parental authorizations or prohibitions of pupil participation in specific programs

9. Results of standardized tests administered within the preceding three years

Permitted Student Records (Class III) are those records having clear importance only to the current educational process of the student. Permitted records must be kept for six (6) months after their usefulness ceases and may be destroyed thereafter. Such records include:

1. Objective counselor and/or teacher ratings

2. Routine discipline data

3. Verified reports of relevant behavioral patterns.

4. All disciplinary notices

5. Attendance records not covered in the California Code of Regulations, Title 5, Section 400 (e.g. notes from parents including absence notices)

6. Independent Study Records, as defined herein

Cumulative File: means a physical or digital file of complete and accurate student record information, including Mandatory Permanent Records, Mandatory Interim Records, and Permitted Records.

Destruction means physical and/or digital destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Parent means a natural parent, an adopted parent, or legal guardian. If the parents are divorced or legally separated, only a 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. Either parent may grant consent if both parents have notified, in writing, the school that an agreement between the parents has been made. If a student has attained the age of 18 years, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student unless the student has been claimed as a dependent on either parent's most recent income tax return.

Student Record means any item of information directly related to an identifiable pupil, other than directory information, which is maintained or required to be maintained by any employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilms, or other means. Student records are divided into several categories:

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

Student Records do not include:

- Informal notes compiled by a school officer or employee which remain 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 substitute.
- Records of any law enforcement unit of OFY, subject to the provisions of 34 Code of Federal Regulations part 99.8.
- Records created or received by OFY after an individual is no longer a pupil in attendance and that are not directly related to the individual's attendance as a pupil.
- Grades on peer-graded papers before they are collected and recorded by a teacher.
- Test protocols, test instruments, and interpretative materials that do not contain the pupil's name or other personally identifiable information.

Special Education Records: records directly related to the student and maintained by OFY or a party that acts for the school. Such records include the following documents:

- Individualized Education Program (IEP) and recording of an IEP meeting, if any;
- Tests, including protocols and questions, after a test is administered to a student provided the school retains the tests in personally identifiable form;

- Evaluations and private evaluations (e.g., independent educational evaluations), including medical evaluations, if the medical evaluation is included as part of the pupil's educational records;
- Treatment plans of students at psychiatric hospitals;
- Other documents that pertain to the pupil's educational performance / conduct;
- Due process decisions, including transcripts of a due process hearing;
- A complaint filed in a state complaint system that names the child or children involved in the complaint; and
- Correspondence and investigative findings regarding a complaint, if the document contains information directly related to the pupil and are maintained by OFY.

Independent Study Records: the following records must be maintained by OFY to meet audit and other requirements:

1. All agreements, including Independent Study Written Agreement and supplemental agreements

2. Student assignment and work records

3. Representative samples of completed student work with the supervising teacher's signature or initials and evaluation date

II. MAINTENANCE AND RETENTION OF STUDENT RECORDS

The Principal of each center is designated as the custodian of records for their respective center(s). During enrollment, the Center Coordinator of the school center collects external student records and assists the family with completion of the digital enrollment paperwork. External student records collected upon enrollment include: External Transcripts, Immunization Records, IEP if applicable, 504 Plan if applicable, CELDT/ELPAC assessment information if applicable. If the student enrolling does not have the student records necessary for OFY to make informed decisions about the student's education, the Center Coordinator assists the family by requesting records from previous schools. If the student has an IEP and/or 504 Plan, the IEP and/or 504 Plan are given to the site Special Education Specialist and School Psychologist for review to ensure appropriate FAPE is being given.

Each center's Area Teacher II ("AT2") maintains digital student files for all students. The AT2 is responsible for placing verified attendance and work product into digital student files. Each center's AT2 also completes a yearly file inventory for his/her center.

File maintenance is overseen by the Student Records and Compliance Department at Propel, OFY's Charter Management Company. Propel's Director of Student Records & Compliance creates the annual File Check Manual used by each center's AT2, conducts regular checks on files throughout the year to identify and report errors, assists each center's AT2 with correcting any errors in student records, reviews monthly attendance records for each center, finalizes P1, P2, and P-Annual reports, and assists the Principals and OFY's external auditor to provide documents and student files required to complete the annual audit.

Upon completion of the student's first academic year, each center's AT2 conducts a year-end file check for errors and makes any necessary corrections. During the student's second academic year, Propel works with each center's AT2 to prepare a roster of enrolled students and verify that a student record exists for each student.

All physical student files (e.g., a cumulative file received from a student's previous school) are assembled on at least an annual basis by each center's AT2 and are transferred to OFY's educational services provider Skyrocket, where they are stored safely at OFY's secure facility in Covina until they are digitized. Skyrocket scans all paper versions of student files, destroys the paper version of the file once digitized, and responds to school site student records requests once the file has left the OFY site within the mandatory timelines imposed by law. OFY will only maintain physical student records at the school sites to the extent required by the school's charter authorizer.

Skyrocket reviews inventory lists to confirm OFY's records have been archived in accordance with applicable law. Skyrocket reviews the scanned records to ensure the records were scanned legibly.

III. DESTRUCTION OF STUDENT RECORDS

Student Records may be destroyed by shredding or other means to assure complete destruction and to prevent any reconstruction of the records to any degree. Parents/guardians are notified in writing prior to the destruction of any Student Records. Parents/guardians have fifteen (15) days from the date of the letter to request access to and/or copies of student records prior to destruction. (See Exhibit A, Parent Notification Letter.)

IV. ACCESS TO STUDENT RECORDS

Requesting Student Records

Students, former students, and Parents will be provided timely access to and the ability to challenge educational records as required by applicable law. Access to educational records by others will only be provided consistent with the Family Educational Rights and Privacy Act and with applicable California law.

Parents/Guardians of students (current and former) have an absolute right to access any Student Records related to their minor child that are maintained by OFY. Parents/Guardians may request copies of student records and may inspect and review records during regular school hours by sending a written request to OFY. The request should identify the Parent/Guardian, minor student, and the location of the center attended, and it should describe the records requested and whether the request is for copies or inspection. If the official student records are not centrally located, the Parent/Guardian will be notified of the location of the records. If requested, the Parent/Guardian will also be notified of the availability of qualified certificated personnel to interpret records. Requests for access consistent with this procedure shall be granted no later than five (5) business days following the date of the request. The school may charge reasonable fees for copies it provides to Parents/Guardians, however, OFY shall not charge Parents/Guardians fees to search for or retrieve any student record. Further, no charge shall be made for furnishing:

(a) up to two (2) transcripts of former students' records, or (b) up to two (2) verifications of various records of former students.

Students may request high school transcripts online using the Transcript Request Form - Formstack. Class of 2009 and forward may request diploma replacements. Diplomas can only be ordered by and issued to the former student.

Persons with Access to Student Records

Persons, agencies, or organizations specifically granted access rights pursuant to Education Code section 49076 or applicable law shall have access without written consent from a Parent or judicial order. In addition, consent from a Parent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have legitimate educational interest in the information and access is otherwise permitted by law.

Transfer of Student Records

If a student transfers to another school, the student's Mandatory Permanent Student Record or a copy of it shall be transferred by OFY no later than ten (10) schooldays following the date OFY receives the request from the school where the pupil intends to enroll. OFY will permanently retain an original or copy of the transferring student's Mandatory Permanent Pupil Record. If the transfer is to another California public school, the student's entire Mandatory Interim Student Record (as defined herein) shall be forwarded. If the transfer is to a private school or an out of state public school, the Mandatory Interim Student Record may be forwarded. Permitted Student Records may also be forwarded.

Maintenance and transfer of student records in the event of closure of OFY shall be consistent with that school's charter closure procedures.

Request for Information Log

Requests from individuals or agencies, with the exception of other school officials and parents, shall be recorded in a record or log of requests for information maintained with the relevant student's file. The log or record shall be open to the inspection of a parent and OFY officials. The log or record may contain the following information: the name of the requesting party and the legitimate interest of the party.

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

OFY 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 under Education Code section 49073.1 and other applicable state and federal laws.

V. AMENDMENT OF RECORDS

Following an inspection and review of a student's records, a Parent may challenge the content of the student record. Note that Parents do not have the right to amend grades or educational decisions made by school staff. The Parent may make a written request of OFY to correct or remove any information in the student record that the Parent believes to be inaccurate. The Parent must establish that specific grounds exist and provide a written request to correct or remove the information. This request must be made within thirty (30) days of the discovery of the alleged error. Within fourteen (14) days of a request to amend a student record, OFY shall respond to the request in writing. If the request is denied, OFY shall state the reasons for the denial.

Exhibit A

[SCHOOL LETTERHEAD]

Parents Notification Letter of Destruction of Student Records

[DATE]

Dear Parents,

As you know, the school maintains various student records concerning your child. Though some of these records must be permanently maintained as mandatory permanent records, other records that are no longer needed or useful may be disposed of pursuant to applicable law.

In reviewing your child's records, we have determined that there are numerous items that are no longer needed and would therefore like to remove them from the permanent file and shred them to prevent improper or unauthorized disclosure.

This letter serves as notice to you that if we do not hear from you prior to fifteen (15) days from the date of this letter, we shall assume that we have your approval to destroy those parts of your child's records which are no longer needed.

Should you have any questions or wish to discuss, in detail, any part of this notice, please contact the following individual at your convenience:

[NAME]
[POSITION]
[CONTACT INFO]

Sincerely,

NAME
Principal
Options for Youth – San Gabriel

Exhibit B

[Location of Student Records]