

AMENDED IN SENATE MAY 8, 2001
AMENDED IN SENATE APRIL 17, 2001

SENATE BILL

No. 963

Introduced by Senator Vincent

February 23, 2001

An act to amend Section 49076 of, *and to add and repeal Section 48980.5 of*, the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

SB 963, as amended, Vincent. Pupil records.

Existing

(1) *Existing* law prohibits a school district from permitting access to pupil records to any person without written parental consent or under judicial order except under certain circumstances, including permitting access to a probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition. Existing law requires the probation officer to certify in writing to the school district that the information will be used only for truancy purposes. Existing law requires a school district releasing pupil information to a probation officer to inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

This bill would until January 1, 2005, also authorize a school district to permit access to a probation officer for the purposes of casework planning and monitoring wards and probationers and to a social worker with respect to a dependent child, as specified. The bill would require a probation officer or social worker to certify in writing to the school that the information will only be used for these purposes. The bill would

require the school district to ~~provide the requested information~~ *make the requested information available at the schoolsite* within 5 working days, *thereby imposing a state-mandated local program.*

(2) *Existing law requires the governing board of each school to notify parents and guardians each school year of their rights and responsibilities and other specified information.*

This bill would also require, until January 1, 2005, the notification to advise parents that probation officers and social workers are authorized to access relevant pupil records, thereby imposing a state-mandated local program. The bill would require a school district that releases pupil information to a probation officer or social worker to inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information, thereby imposing a state-mandated local program.

The

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 48980.5 is added to the Education*
- 2 *Code, to read:*
- 3 *48980.5. The notification required pursuant to Section 48980*
- 4 *shall include information to parents or guardians that probation*
- 5 *officers and social workers are authorized to access relevant pupil*
- 6 *records pursuant to Section 49076.*
- 7 *This section shall remain in effect only until January 1, 2005,*
- 8 *and as of that date is repealed, unless a later enacted statute, that*
- 9 *is enacted before January 1, 2005, deletes or extends that date.*



1 SEC. 2. Section 49076 of the Education Code is amended to
2 read:

3 49076. A school district is not authorized to permit access to
4 pupil records to any person without written parental consent or
5 under judicial order except that:

6 (a) Access to those particular records relevant to the legitimate
7 educational interests of the requester shall be permitted to the
8 following:

9 (1) School officials and employees of the district, members of
10 a school attendance review board appointed pursuant to Section
11 48321, and any volunteer aide, 18 years of age or older, who has
12 been investigated, selected, and trained by a school attendance
13 review board for the purpose of providing followup services to
14 pupils referred to the school attendance review board, provided
15 that the person has a legitimate educational interest to inspect a
16 record.

17 (2) Officials and employees of other public schools or school
18 systems, including local, county, or state correctional facilities
19 where educational programs leading to high school graduation are
20 provided, where the pupil intends to or is directed to enroll, subject
21 to the rights of parents as provided in Section 49068.

22 (3) Authorized representatives of the Comptroller General of
23 the United States, the Secretary ~~of~~ *for* Education, and
24 administrative head of an education agency, state education
25 officials, or their respective designees, or the United States Office
26 of Civil Rights, where the information is necessary to audit or
27 evaluate a state or federally supported education program or
28 pursuant to a federal or state law, provided that except when
29 collection of personally identifiable information is specifically
30 authorized by federal law, any data collected by those officials
31 shall be protected in a manner which will not permit the personal
32 identification of students or their parents by other than those
33 officials, and any personally identifiable data shall be destroyed
34 when no longer needed for the audit, evaluation, and enforcement
35 of federal legal requirements.

36 (4) Other state and local officials to the extent that information
37 is specifically required to be reported pursuant to state law adopted
38 prior to November 19, 1974.



1 (5) Parents of a pupil 18 years of age or older who is a
2 dependent as defined in Section 152 of the Internal Revenue Code
3 of 1954.

4 (6) A pupil 16 years of age or older or having completed the
5 10th grade who requests access.

6 (7) Any district attorney who is participating in or conducting
7 a truancy mediation program pursuant to Section 48263.5, or
8 Section 601.3 of the Welfare and Institutions Code, or
9 participating in the presentation of evidence in a truancy petition
10 pursuant to Section 681 of the Welfare and Institutions Code.

11 (8) A prosecuting agency for consideration against a parent or
12 guardian for failure to comply with the Compulsory Education
13 Law (Chapter 2 (commencing with Section 48200) of Part 27 of
14 Division 4 of Title 2) or with Compulsory Continuation Education
15 (Chapter 3 (commencing with Section 48400) of Part 27 of
16 Division 4 of Title 2).

17 (9) Any probation officer or district attorney for the purposes
18 of conducting a criminal investigation or an investigation in
19 regards to declaring a person a ward of the court or involving a
20 violation of a condition of probation.

21 (10) Any judge or probation officer for the purpose of
22 conducting a truancy mediation program for a pupil, or for
23 purposes of presenting evidence in a truancy petition pursuant to
24 Section 681 of the Welfare and Institutions Code. The judge or
25 probation officer shall certify in writing to the school district that
26 the information will be used only for truancy purposes. A school
27 district releasing pupil information to a judge or probation officer
28 pursuant to this paragraph shall inform, or provide written
29 notification to, the parent or guardian of the pupil within 24 hours
30 of the release of the information.

31 (11) Until January 1, 2005, any probation officer for the
32 purposes of casework planning and monitoring wards and
33 probationers. The probation officer shall certify in writing to the
34 school district that the information will be used only for case
35 planning and monitoring purposes. The school district shall
36 ~~provide the requested information~~ *make the information available*
37 *at the schoolsite* to the probation officer within ~~five working days~~.
38 ~~A school district releasing pupil information to a probation officer~~
39 ~~pursuant to this paragraph shall inform, or provide written~~



1 ~~notification to, the parent or guardian of the pupil within 24 hours~~
2 ~~of the release of the information. *five working days.*~~

3 (12) Until January 1, 2005, any social worker supervising a
4 dependent child pursuant to Article 6 (commencing with Section
5 300) of the Welfare and Institutions Code. The social worker shall
6 certify in writing to the school district that the information will be
7 used only for purposes authorized pursuant to Article 6
8 (commencing with Section 300) of the Welfare and Institutions
9 Code. The school district shall ~~provide the requested information~~
10 *make the information available at the schoolsite* to the social
11 worker within five working days. ~~A school district releasing pupil~~
12 ~~information to a social worker pursuant to this paragraph shall~~
13 ~~inform, or provide written notification to, the parent or guardian~~
14 ~~of the pupil within 24 hours of the release of the information.~~

15 (b) School districts may release information from pupil records
16 to the following:

17 (1) Appropriate persons in connection with an emergency if the
18 knowledge of the information is necessary to protect the health or
19 safety of a pupil or other persons.

20 (2) Agencies or organizations in connection with a pupil's
21 application for, or receipt of, financial aid. However, information
22 permitting the personal identification of pupils or their parents
23 may be disclosed only as may be necessary for purposes as to
24 determine the eligibility of the pupil for financial aid, to determine
25 the amount of the financial aid, to determine the conditions which
26 will be imposed regarding the financial aid, or to enforce the terms
27 or conditions of the financial aid.

28 (3) The county elections official, for the purpose of identifying
29 pupils eligible to register to vote, and for conducting programs to
30 offer pupils an opportunity to register to vote. The information,
31 however, shall not be used for any other purpose or given or
32 transferred to any other person or agency.

33 (4) Accrediting associations in order to carry out their
34 accrediting functions.

35 (5) Organizations conducting studies for, or on behalf of,
36 educational agencies or institutions for the purpose of developing,
37 validating, or administering predictive tests, administering student
38 aid programs, and improving instruction, if the studies are
39 conducted in a manner that will not permit the personal
40 identification of pupils or their parents by persons other than



1 representatives of the organizations and the information will be
2 destroyed when no longer needed for the purpose for which it is
3 obtained.

4 (6) Officials and employees of private schools or school
5 systems where the pupil is enrolled or intends to enroll, subject to
6 the rights of parents as provided in Section 49068. This
7 information shall be in addition to the pupil's permanent record
8 transferred pursuant to Section 49068.

9 No person, persons, agency, or organization permitted access to
10 pupil records pursuant to this section shall permit access to any
11 information obtained from those records by any other person,
12 persons, agency, or organization without the written consent of the
13 pupil's parent. However, this paragraph shall not be construed as
14 requiring prior parental consent when information obtained
15 pursuant to this section is shared with other persons within the
16 educational institution, agency, or organization obtaining access,
17 so long as those persons have a legitimate interest in the
18 information.

19 (c) Notwithstanding any other provision of law, any school
20 district, including any county office of education or
21 superintendent of schools, may participate in an interagency data
22 information system that permits access to a computerized data
23 base system within and between governmental agencies or
24 districts as to information or records which are nonprivileged, and
25 where release is authorized as to the requesting agency under state
26 or federal law or regulation, as long as each of the following
27 requirements are met:

28 (1) Each agency and school district shall develop security
29 procedures or devices by which unauthorized personnel cannot
30 access data contained in the system.

31 (2) Each agency and school district shall develop procedures or
32 devices to secure privileged or confidential data from
33 unauthorized disclosure.

34 (3) Each school district shall comply with the access log
35 requirements of Section 49064.

36 (4) The right of access granted shall not include the right to add,
37 delete, or alter data without the written permission of the agency
38 holding the data.

39 (5) No agency or school district may make public or otherwise
40 release information on an individual contained in the data base



1 where the information is protected from disclosure or release as to
2 the requesting agency by state or federal law or regulation.

3 ~~SEC. 2.—~~

4 *SEC. 3.* Notwithstanding Section 17610 of the Government
5 Code, if the Commission on State Mandates determines that this
6 act contains costs mandated by the state, reimbursement to local
7 agencies and school districts for those costs shall be made pursuant
8 to Part 7 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the claim for
10 reimbursement does not exceed one million dollars (\$1,000,000),
11 reimbursement shall be made from the State Mandates Claims
12 Fund.
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