



LEARNER RECORDS MAINTENANCE, RETENTION, AND DESTRUCTION

Board Approved: June 17, 2026

I. Purpose

The purpose of this Learner Records Maintenance, Retention, and Destruction Policy (“Policy”) is meant to provide the California public charter schools operated by Empower Generations (the “School”) details for maintaining learner records and provide appropriate guidelines for the maintaining, accessing, and disposing of learner records.

II. Terms and Definitions

“Learner record” means any item of information (in handwriting, print, tape, film, computer, or other medium) directly related to an identifiable learner and maintained or required to be maintained by the School or any employee in the performance of his/her duties. Learner records are divided into the following three categories: (1) mandatory permanent learner records; (2) mandatory interim learner records; and (3) permitted learner records. Learner records do not include, for example:

- 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 the School, subject to the provisions of Title 34 of the Code of Federal Regulations (C.F.R.) section 99.8.
- Records relating to an individual who is employed by the School 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.
- Records of a learner 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 learner; 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 School.
- Records created or received by the School 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 the teacher.
- Test protocols, test instruments, and interpretative materials that do not contain the pupil’s name or other personally identifiable information (defined below).

“Mandatory permanent learner record” is a record that the School is required to maintain in perpetuity and which the School has been directed to compile by state law, regulation, or administrative directive. Such records shall include the following:

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 of minor pupil.
 - a. Address of minor pupil if different than the 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 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 learner record” is a record that the School is required to compile and maintain for a period of three (3) years after the learner leaves the School or the usefulness of the record ceases. Such records include:

1. All agreements, including Independent Study Master Agreements and Addendums.
2. Learner assignment and work records.
3. Representative samples of completed learner work with the supervising teacher’s evaluation.
4. Teacher record of apportionment/attendance credits, grades, and other evaluations of independent study assignments.
5. 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 pupil, or a dependent adult pupil, or an adult pupil, or the custodian of records.
6. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver.
7. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.

8. Language training records.
9. Progress slips and/or notices.
10. Parental restrictions regarding access to directory information or related stipulations.
11. Parent or adult pupil rejoinders to challenged records and to disciplinary action.
12. Parental authorizations or prohibitions of pupil participation in specific programs.
13. Results of standardized tests administered within the preceding three years.

“Permitted learner record” is a record that has clear importance only to the current educational program and maintained for appropriate educational purpose. It must be kept for six (6) months after its usefulness ceases. Such records may include:

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 California Code of Regulations, Title 5, Section 400.

“Personally identifiable information” includes, but is not limited to:

1. The student’s name.
2. The name of the student’s parent/guardian or other family members.
3. The address of the learner or student’s family.
4. A personal identifier, such as the student's social security number, learner number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
6. Other information that, alone or in combination, is linked or linkable to a specific learner that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the learner with reasonable certainty.
7. Information requested by a person who the School reasonably believes knows the identity of the learner to whom the learner record relates.

“Parent” means a parent/guardian of a learner and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian . If the parents are divorced or legally separated, only a parent with legal custody of the pupil may challenge the content of the 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 has been made. If a learner has attained the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the learner shall thereafter only be required of, and accorded to, the learner, unless the learner transfers his or her educational rights.

III. Maintenance, Retention, and Destruction of Learner Records

Learner records shall be maintained in a central file at the School attended by the learner or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found.

The School shall not collect or solicit social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law.

The School Director or designee is the designated Custodian of Records. The Custodian of Records and/or his or her designee shall be responsible for overseeing the implementation of this Policy and processing any requests for access to, or transfer of, learner records. The Custodian of Records is responsible for the security of learner records maintained by the School and for devising procedures for assuring that access to such records is limited to authorized persons.

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

- Mandatory permanent learner records: Must be maintained for an indefinite period of time.
- Mandatory interim learner records: Unless forwarded to another school, must be maintained for a period of three (3) school years after the learner leaves the School or the usefulness of the record ceases. The mandatory interim learner record may be destroyed thereafter.
- Permitted learner records: May be destroyed when their usefulness ceases. They may be destroyed six (6) months after the learner completes or withdraws from the educational program and their usefulness ceases.

Learner records may be destroyed by shredding the records or by other means to assure complete destruction and to prevent any reconstruction of the records and disclosure of any personally identifiable information.

In the event the School is served with a subpoena, or an employee becomes aware of the commencement of any litigation against or concerning the School, such employee shall inform the Custodian of Records and any further destruction of records shall be suspended until such time as the Custodian of Records, with the advice of counsel, determines otherwise. The Custodian of Records shall take such steps as necessary to promptly inform all staff of any suspension in the further destruction of records.

IV. Access to Learner Records

In accordance with state and federal laws, access to any learner record shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent.
2. An adult learner, or a learner under the age of 18 years who attends a postsecondary institution, in which case the learner alone shall exercise rights related to the student's records and grant consent for the release of records.
3. Parents/guardians of an adult learner with disabilities who is age 18 years or older and has been declared incompetent under state law.

In addition, as permitted by law, certain individuals or agencies may have access to particular records that are relevant to their legitimate educational interest or other legally authorized purpose.

Requesting Learner Records

To inspect, review, or obtain copies of your learner's educational file, authorized persons shall submit a request to the Custodian of Records. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved. Parents who submit a request shall receive access to their child's educational file within five (5) business days of the request being made.

When required by law, a student's parent/guardian or an adult learner shall provide written, signed, and dated consent before the School discloses the learner record. If the parent/guardian or adult learner refuses to provide written consent for the release of learner information, the School shall not release the information, unless it is otherwise subject to an exception under 34 C.F.R. § 99.31.

Access Logs

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. In every instance of inspection by persons who do not have assigned educational responsibility, the Custodian of Records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. The log shall be open to inspection only by the parent/guardian, adult learner, Custodian of Records, and certain state or federal officials specified in Education Code 49064.

Duplication of Learner Records

To provide copies of any learner record, the School may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former learner. No charge shall be made to locate or retrieve any learner record.

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

The School may enter into a contract with a third party for the digital storage, management, and retrieval of learner 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.

V. Changes to Learner Records

Only a parent/guardian having legal custody of a learner or an adult learner may challenge the content of a record or offer a written response to a record. No additions or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult learner.

Request for Amendment to Education Records

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

Name/Gender Change: Former Learners with Government-Issued Documentation

When a former learner submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the School shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former learner, the School shall reissue any documents conferred upon the former learner, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The School is not required to modify records that the former learner has not requested for modification or reissuance.

The documentation provided by a former pupil demonstrating legal name or gender change may include, but need not be limited to, any of the following:

1. State-issued driver's license.
2. Birth certificate.
3. Passport.
4. Social security card.
5. Court order indicating a name change or a gender change, or both

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information:

1. The date of the request
2. The date the requested records were reissued to the former learner
3. A list of the records that were requested by and reissued to the former learner
4. The type of documentation, if any, provided by the former learner to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the learner

Name/Gender Change: Former Students Without Documentation and Current Students

Any former learner who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070. Current students may similarly request a name or gender change through that process.

Under Education Code section 49070, a former student who is unable to provide government-issued documentation demonstrating a legal change in name and/or gender, or a

current student, may file a written request to the School's Director or designee to change the name and/or gender included in the student's records. Within thirty (30) days of receipt of such a request, the Director or designee shall meet with the student and, if any, the certificated employee who recorded the information in question.

If the Director or designee sustains the request to change the former or current student's name and/or gender in the student's records, the Director or designee shall order the correction or the removal and destruction of the information, and the School shall add a new document to the student's record that includes all of the following information:

1. The date of the request.
2. The date the requested records were corrected.
3. A list of the records that the student requested to be corrected.
4. The type of documentation, if any, provided to demonstrate a legal change to the student's name and/or gender.
5. The name of the employee who completed the request.
6. The corrected and former name and/or gender of the current or former student.