

**Personnel**

**Lactation Accommodation**

*Note: Pursuant to Labor Code 1034, as added by SB 142 (Ch. 720, Statutes of 2019), districts are mandated to develop policy regarding lactation accommodation with specified components, as provided below.*

*Note: Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express milk for their infant children. 29 USC 207 requires employers to provide reasonable break time for nursing employees, but applies only to employees who are not exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA). State law (Labor Code 1030-1034) applies to all district employees. Where provisions of the two laws conflict, the statute providing greater protections for employees supersedes. The district should consult legal counsel if questions arise about the application of these laws to a particular employee.*

*Note: Government Code 12926 includes breastfeeding or medical conditions related to breastfeeding within the definition of "sex" for purposes of sex discrimination under the California Fair Employment and Housing Act. Additionally, Labor Code 1033, as amended by SB 142, prohibits an employer from discharging or in any manner discriminating or retaliating against an employee for exercising or attempting to exercise any right related to lactation accommodation. Pursuant to Labor Code 1033, violation of Labor Code 1030-1034 may result in a citation from the Labor Commissioner and/or a civil penalty.*

*Note: The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.*

*The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.*

*(cf. 4030 - Nondiscrimination in Employment)*

*Note: Labor Code 1034, as added by SB 142, mandates that the district's policy regarding lactation accommodation include the process by which the employee is to make a lactation accommodation request and the district's obligation to respond to the request. The following paragraph should be modified to reflect the district's process.*

*An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.*

*Note: Pursuant to Labor Code 1032, all districts are required to grant lactation accommodation except when granting the accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law.*

*Note: Additionally, Labor Code 1031, as amended by SB 142, provides an exception for districts with fewer than 50 employees when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. When such a district is able to demonstrate undue hardship, Labor Code 1031 only requires that reasonable efforts be made to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Pursuant to Labor Code 1031, the provided room or location may not be a toilet stall.*

*Note: Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.*

*Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)*

*Note: Labor Code 1034, as added by SB 142, mandates that the district's policy include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements.*

*Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.*

*The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)*

*Note: Labor Code 1034, as added by SB 142, mandates that the district's policy regarding lactation accommodation be distributed to employees as provided in the following paragraph.*

*The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)*

*(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)*

#### *Break Time and Location Requirements*

*Note: Although 29 USC [207](#) limits the length of time that a classified employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code [1030](#) does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.*

*The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code [1030](#))*

*Note: Labor Code [1030](#) and 29 USC [207](#) do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district instead chooses to provide compensation for such additional break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to work extra time to make up for any uncompensated break time beyond the authorized break time.*

*To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code [1030](#); 29 USC [207](#))*

*Note: Labor Code [1031](#), as amended by SB 142, requires the district to provide an employee with the use of a room or location, other than a bathroom, to express milk in private. This may include the place where the employee normally works if the location otherwise meets legal requirements, as specified below. Labor Code [1031](#) authorizes the district to designate a temporary location to express milk if the district is unable to provide a permanent location due to operational, financial, or space limitation, as long as the space is in close proximity to the employee's work area, shielded from view, free from intrusion while breast milk is being expressed, and is otherwise compliant with law.*

*The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code [1031](#); 29 USC [207](#))*

- 1. Is shielded from view and free from intrusion while the employee is expressing milk*
- 2. Is safe, clean, and free of hazardous materials, as defined in Labor Code [6382](#)*
- 3. Contains a place to sit and a surface to place a breast pump and personal items*
- 4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump*
- 5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace*

*If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code [1031](#))*

## *Dispute Resolution*

*Note: The following paragraph is mandated pursuant to Labor Code 1034, as added by SB 142.*

*An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)*

*(cf. 4144/4244/4344 - Complaints)*

## *Legal Reference:*

### **EDUCATION CODE**

**200-262.4** Educational equity; prohibition of discrimination on the basis of sex

### **CIVIL CODE**

**43.3** Right of mothers to breastfeed in any public or private location

### **GOVERNMENT CODE**

**12926** Definition of sex; breastfeeding

**12940** Unlawful discriminatory employment practices

**12945** Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

### **LABOR CODE**

**1030-1034** Lactation accommodation

**6382** Procedure for listing hazardous substances

### **CODE OF REGULATIONS, TITLE 2**

**11035-11051** Unlawful sex discrimination; pregnancy and related medical conditions

### **UNITED STATES CODE, TITLE 29**

**207** Fair Labor Standards Act; lactation accommodation

## *Management Resources:*

### **CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS**

*Rest Periods/Lactation Accommodation, Frequently Asked Questions*

### **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS**

*Lactation Accommodation for Employers*

### **CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

*Lactation Support Program Toolkit*

### **FEDERAL REGISTER**

*Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079*

### **OFFICE OF THE SURGEON GENERAL PUBLICATIONS**

*The Surgeon General's Call to Action to Support Breastfeeding, 2011*

### **HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS**

*The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008*

### **U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS**

*Frequently Asked Questions- Break Time for Nursing Mothers*

*Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018*

### **WEB SITES**

*California Department of Industrial Relations, Division of Labor and Standards*

*Enforcement: <http://www.dir.ca.gov/dlse> California Department of Public Health: <http://www.cdph.ca.gov>*

*California Women, Infants and Children Program: <http://www.wicworks.ca.gov>*

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*Health Resources and Services Administration: <http://www.hrsa.gov>*

*Office of the Surgeon General: <http://www.surgeongeneral.gov>*

*U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers: <http://www.dol.gov/whd/nursingmothers>*

*(7/11) 12/19*

# CSBA Sample

## Board Policy

All Personnel

BP 4033(a)

### LACTATION ACCOMMODATION

Note: The following optional policy may be revised to reflect district practice. Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express milk for their infant children. The Patient Protection and Affordable Care Act (P.L. 111-148, 2010) amended 29 USC 207 of the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for nursing mothers, but applies only to employees who are not exempt from the overtime pay requirements of the FLSA (i.e., classified employees). State law (Labor Code 1030-1033) applies to all district employees. Where provisions of the two laws conflict, the statute providing greater protections for employees supersedes. The district should consult legal counsel if questions arise about the application of these laws to a particular employee.

The Fair Employment and Housing Commission has determined that, because breastfeeding is an activity intrinsic to females, termination of an employee because she was still breastfeeding after returning to work from pregnancy disability leave was sexual discrimination in violation of Government Code 12940 and 12945 (Chavez v. Acosta Tacos). Furthermore, pursuant to Labor Code 1033, violation of Labor Code 1030-1033 may result in a citation from the Labor Commissioner and/or a civil penalty.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work.

(cf. 4030 - *Nondiscrimination in Employment*)

(cf. 4031 - *Complaints Concerning Discrimination in Employment*)

Note: Although 29 USC 207 limits the length of time that a classified employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030-1033 does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

Note: Labor Code 1030 and 29 USC 207 do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district chooses to provide compensation during extended break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to make up for any unpaid break time.



## LACTATION ACCOMMODATION (continued)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

Note: Labor Code 1031 requires the district to make reasonable efforts to provide an employee with the use of a private room or other location, except a toilet stall, in close proximity to the employee's work area, which may include the place where the employee normally works if the location otherwise meets legal requirements. 20 USC 207, applicable to classified employees, specifies that the location must be shielded from view and free from intrusion from coworkers and the public. A fact sheet issued by the U.S. Department of Labor's (DOL) Wage and Hour Division, Break Time for Nursing Mothers under the FLSA, clarifies that the location provided by the district could be a space temporarily created or converted into a space for expressing milk as long as it is functional and meets all requirements of law.

The DOL has preliminarily interpreted an employee's right to express milk for her infant child to include the ability to safely store the milk (75 Fed. Reg. 244, page 80076). According to the DOL, this might include providing access to a refrigerator or ice chest or allowing the employee to bring an insulated food container to work.

A fact sheet issued by the California Department of Public Health, Minimum Requirements of the California Lactation Accommodation Law, recommends that the location should have the following items: a comfortable chair, small table, electrical outlet, a sink with a safe water source, disinfectant dish soap, and paper towels.

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Note: Labor Code 1032 provides exceptions to the requirement for lactation accommodation when providing such accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law. 29 USC 207 provides exceptions when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. In this case, the exception is limited to districts with fewer than 50 employees and applies to classified employees only.

Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

**LACTATION ACCOMMODATION (continued)**

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

*Legal Reference: (see next page)*

## LACTATION ACCOMMODATION (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

#### CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

#### GOVERNMENT CODE

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions

#### LABOR CODE

1030-1033 Lactation accommodation

#### CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination; pregnancy and related medical conditions

#### UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

#### FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS

*Department of Fair Employment and Housing v. Acosta Tacos (Chavez)*, FEHC Precedential Decision 09-03P, 2009

### Management Resources

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

*Rest Periods Lactation Accommodation, Frequently Asked Questions*

#### CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

*Minimum Requirements of the California Lactation Accommodation Law*

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*Lactation Support Program Toolkit*

#### FEDERAL REGISTER

*Reasonable Break Time for Nursing Mothers*, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

#### OFFICE OF THE SURGEON GENERAL PUBLICATIONS

*The Surgeon General's Call to Action to Support Breastfeeding*, 2011

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

*The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite*, Toolkit, 2008

#### U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

*Fact Sheet #3: Break Time for Nursing Mothers under the FLSA*, rev. December 2010

#### WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement:

<http://www.dir.ca.gov/dlse>

California Department of Public Health: <http://www.cdph.ca.gov>

California Women, Infants and Children: <http://www.wicworks.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:

<http://www.dol.gov/whd/nursingmothers>



***Complaints Concerning District Employees***

*Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.*

*If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.*

*A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter. If a complaint involves more than one individual, each individual must be named and sign the complaint.*

*To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:*

- 1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.*
- 2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.*
- 3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.*
- 4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.*
- 5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:*
  - a. The full name of each employee involved*
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response*
  - c. A copy of the signed original complaint*
  - d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved*



**Complaints Concerning District Employees**

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.
5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved



**Students and Family Privacy Rights**

*Note: 20 USC [1232h](#), the Protection of Pupil Rights Act (PPRA), mandates that any district receiving funds from a program administered by the U.S. Department of Education (USDOE) adopt a policy regarding the (1) administration of surveys and physical exams/screenings, (2) right of parents to inspect instructional materials, and (3) collection of personal information for marketing purposes. See the accompanying administrative regulation for additional requirements pertaining to these topics.*

*The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.*

*(cf. [5020](#) - Parent Rights and Responsibilities)*

*(cf. [5021](#) - Noncustodial Parents)*

*(cf. [5125](#) - Student Records)*

*(cf. [5125.1](#) - Release of Directory Information)*

*(cf. [6162.8](#) - Research)*

*The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC [1232h](#))*

- 1. College or other postsecondary education recruitment or military recruitment*
- 2. Book clubs, magazines, and programs providing access to low-cost literary products*
- 3. Curriculum and instructional materials used by elementary and secondary schools*
- 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments*

*(cf. [6162.5](#) - Student Assessment)*

*(cf. [6162.51](#) - State Academic Achievement Tests)*

- 5. The sale by students of products or services to raise funds for school-related or education-related activities*

*(cf. [1321](#) - Solicitation of Funds from and by Students)*

- 6. Student recognition programs*

*(cf. [5126](#) - Awards for Achievement)*

*Note: 20 USC [1232h](#) mandates that districts adopt a policy concerning the collection, disclosure, or use of collected personal information for marketing purposes. Option 1 below is for use by districts that choose to prohibit the collection of personal information for marketing purposes. Option 2 is for use by districts that choose to authorize the collection of personal information purposes.*

**OPTION 1:**

*The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address,*

telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

**OPTION 2:**

*Note: Although 20 USC [1232h](#) authorizes the collection, disclosure, or use of students' personal information, including social security numbers, for the purpose of marketing or selling, Education Code [49076.7](#) prohibits the collection of social security numbers or the last four digits of social security numbers unless otherwise required to do so by state or federal law. The collection of personal information for marketing purposes is not required by law, and thus districts should not collect social security numbers or the last four digits of social security numbers for marketing purposes.*

*Note: In addition, pursuant to Education Code [234.7](#), as added by AB 699 (Ch. 493, Statutes of 2017), districts are prohibited from collecting information or documents regarding citizenship or immigration status of students or their families.*

*In addition, the Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.*

*However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code [234.7](#), [49076.7](#))*

*Note: The remainder of this policy is for use by all districts.*

*Note: 20 USC [1232h](#) requires that the district's policy regarding student privacy be developed in consultation with parents/guardians. Such consultation could occur during meetings of the school site council or parent association or a separate committee could be convened to review the draft policy. The following paragraph may be modified to reflect district practice.*

*The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC [1232h](#))*

- 1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose*
- 2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families*
- 3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:*
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children*
  - b. Instructional materials used as part of their children's educational curriculum*

*Note: Item #3c is for use only by districts that select Option 2 above.*

- c. Instruments used in the collection of personal information for the purpose of marketing or sale*
- 4. Any nonemergency physical examinations or screenings that the school may administer*

*(cf. [0420](#) - School Plans/Site Councils)*

*(cf. [1220](#) - Citizen Advisory Committee)*

*(cf. [1230](#) - School-Connected Organizations)*



*Note: 20 USC [1232h](#) mandates that the district's policy provide for reasonable notice to parents/guardians of the adoption or continued use of this policy. See the accompanying administrative regulation for additional requirements pertaining to the timing and content of such notice.*

*The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC [1232h](#))*

*(cf. [5145.6](#) - Parental Notifications)*

*Legal Reference:*

*EDUCATION CODE*

*[234.7](#) Student protections relating to immigration and citizenship status*

*[49076.7](#) Privacy of student records; social security numbers*

*[49450-49458](#) Physical examinations*

*[49602](#) Confidentiality of personal information received during counseling*

*[51101](#) Parents Rights Act of 2002*

*[51513](#) Test, questionnaire, survey, or examination concerning personal beliefs*

*[51514](#) Nonremoval of survey questions pertaining to sexual orientation or gender identity*

*[51938](#) Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

*UNITED STATES CODE, TITLE 20*

*[1232g](#) Family Educational Rights and Privacy Act*

*[1232h](#) Protection of pupil rights*

*Management Resources:*

*WEB SITES*

*CSBA: <http://www.csba.org>*

*California Department of Education: <http://www.cde.ca.gov>*

*U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpcO>*

*(11/02 3/11) 3/18*



**Students and Family Privacy Rights**

The Governing Board believes that personal information concerning district students and their families should be kept private in accordance with law.

**Collection of Personal Information for Marketing Purposes**

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

**Legal Reference:**

**EDUCATION CODE**

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51101 Parents Rights Act of 2002

51513 Personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

**UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights



**Parents Right and Responsibilities**

**Definition**

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

**Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements, the district may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex (such as the required California healthy Kids Survey) as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

**Exceptions to Collection of Personal Information**

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

**Parent/Guardian Access to Surveys and Instructional Materials**

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum.

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)

### Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

### Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical exams or screenings
  - c. Collection of personal information from students for marketing

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)



**Parents Right and Responsibilities**

**Definition**

*Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)*

*Surveys Requesting Information about Beliefs and Practices*

*Note: Education Code [51513](#) provides that districts shall not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent (i.e., "active consent"). The following paragraph regarding surveys is for use by all districts and is mandated, pursuant to 20 USC [1232h](#), for districts receiving funds from a program administered by the U.S. Department of Education (USDOE).*

*A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code [51513](#); 20 USC [1232h](#))*

- 1. Political affiliations or beliefs of the student or his/her parent/guardian*
- 2. Mental or psychological problems of the student or his/her family*
- 3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality*
- 4. Illegal, anti-social, self-incriminating, or demeaning behavior*
- 5. Critical appraisals of other individuals with whom the student has close family relationships*
- 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers*
- 7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian*
- 8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program*

*(cf. [3553](#) - Free and Reduced Price Meals)*

*(cf. [5148](#) - Child Care and Development)*

*Note: Pursuant to 20 USC [1232h](#), districts receiving funds from a USDOE-administered program are mandated to adopt a policy regarding the district's arrangements to protect student privacy in the event that a student participates in a survey requesting information about beliefs and practices as defined above.*

*If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.*

*(cf. [6162.8](#) - Research)*

*Note: Education Code [51938](#) creates an exception to the requirement for prior written consent for districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding student health behaviors and risks upon providing written parent/guardian notification and allowing a parent/guardian to opt his/her child out of participation (i.e., "passive consent"). See sections below entitled "Parent/Guardian Access to Surveys and Instructional Materials" and "Notifications."*

*Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code [51938](#))*

*Note: Pursuant to Education Code 51514, as added by AB 677 (Ch. 744, Statutes of 2017), districts that administer a voluntary survey that includes questions pertaining to sexual orientation and/or gender identity are prohibited from removing such questions.*

*If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)*

#### *Parent/Guardian Access to Surveys and Instructional Materials*

*Note: 20 USC [1232h](#) mandates that districts receiving funds from a USDOE-administered program adopt a policy detailing a parent/guardian's right to inspect (1) survey instruments requesting information about the parent/guardian's or his/her child's personal beliefs and practices and (2) instructional materials used as part of the educational curriculum of the parent/guardian's child, as specified below. Under California law, Education Code [51101](#) authorizes parental inspection of instructional materials; see AR [5020](#) - Parent Rights and Responsibilities. In addition, pursuant to Education Code [51938](#), districts that administer to students in grades 7-12 anonymous, voluntary surveys regarding health behaviors and risks must allow parents/guardians the opportunity to review the instrument and to request that their child not participate.*

*Note: Pursuant to 20 USC [1232h](#), those districts that authorize the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy) are mandated to adopt a policy concerning a parent/guardian's right to inspect any instrument used for the collection of a student's personal information for purposes of marketing or selling the information.*

*The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code [51938](#); 20 USC [1232h](#))*

- 1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices*
- 2. Any instructional material to be used as part of his/her child's educational curriculum*

*(cf. [5020](#) - Parent Rights and Responsibilities)*

*Note: 20 USC [1232h](#) mandates districts receiving funds from a USDOE-administered program to adopt a policy which includes procedures for providing parents/guardians reasonable access to surveys, instruments, and instructional materials within a reasonable amount of time after the request has been received. The following paragraph may be modified to reflect the district's definition of a reasonable timeline and reasonable access.*

*Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.*

*(cf. [1340](#) - Access to District Records)*

*Note: The following paragraph is optional.*

*No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.*

#### *Health Examinations*

*Note: 20 USC [1232h](#) mandates a district receiving funds from a USDOE-administered program to adopt a policy on certain physical examinations or screenings that the school may administer to students. The administration of nonemergency, invasive physical examinations requires prior parental notification, as provided below. This requirement does not apply to any physical examination or screening that is permitted without parental notification by an applicable state law.*

*Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC [1232h](#))*

*Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC [1232h](#))*

*(cf. [5131.61](#) - Drug Testing)*

*(cf. [5141.21](#) - Administering Medication and Monitoring Health Conditions)*

*(cf. [5141.3](#) - Health Examinations)*

*(cf. [5141.32](#) - Health Screening for School Entry)*

*(cf. [5141.6](#) - School Health Services)*

#### *Notifications*

*Note: 20 USC [1232h](#) requires that districts receiving funds from a USDOE-administered program notify parents/guardians of the following. A sample notification letter is available on the web site of the USDOE's Family Policy Compliance Office.*

*At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC [1232h](#))*

- 1. The district's policy regarding student privacy*
- 2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy*
- 3. The specific or approximate dates during the school year when the following activities are scheduled:*
  - a. Survey requesting personal information*
  - b. Physical examinations or screenings*

*Note: Item #c below is for districts that permit the collection of personal information for marketing or sale (Option 2 in the accompanying Board policy).*

- c. Collection of personal information from students for marketing or sale*

*Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code [51938](#))*

*Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC [1232h](#))*

*(cf. [5145.6](#) - Parental Notifications)*

*(3/04 3/11) 3/18*



**Students**

**Release of Directory Information**

**Definition**

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

1. Name
2. Address
3. Telephone number
4. Date of birth
5. Participation in officially recognized activities and sports
6. Dates of attendance
7. Degrees and awards received

**Notification to Parents/Guardians**

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 34 CFR 99.37)

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

**Parent/Guardian Consent**

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)





**Students**

***Release of Directory Information***

***Definition***

*Note: Education Code [49073](#) and 20 USC [1232g](#), the Family Educational Rights and Privacy Act (FERPA), mandate that school districts adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless the parent/guardian notifies the district of his/her refusal. "Directory information" is defined in Education Code [49061](#) and 34 CFR [99.3](#) and listed in the following section. The district may not expand the list, but may modify it to remove any items the district does not intend to release as directory information. Also see AR [5125](#) - Student Records.*

*Note: Education Code [49061](#) does not include three types of information defined as directory information in 34 CFR [99.3](#): the student's place of birth, grade level, and photograph. Thus, these types of information are not reflected in the following list. Districts that receive any request for such information about student(s) based on federal law should consult legal counsel prior to releasing the information.*

*Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code [49061](#); 20 USC [1232g](#); 34 CFR [99.3](#))*

- 1. Name*
- 2. Address*
- 3. Telephone number*
- 4. Email address*
- 5. Date of birth*
- 6. Major field of study*
- 7. Participation record in officially recognized activities and sports*
- 8. Weight and height of athletic team members*
- 9. Dates of attendance*
- 10. Degrees and awards received*
- 11. Most recent previous school attended*

*(cf. [1113](#) - District and School Web Sites)*

*(cf. [1114](#) - District-Sponsored Social Media)*

*Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR [99.3](#))*

*Note: The following paragraph reflects a model policy developed by the California Attorney General pursuant to Education Code [234.7](#), as added by AB 699 (Ch. 493, Statutes of 2017). See the Office of the Attorney General's Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues. Also see the section "Notification to Parents/Guardians" below.*

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

#### *Notification to Parents/Guardians*

*Note: Pursuant to Education Code [49063](#) and 20 USC [1232g](#), the district must annually notify parents/guardians and students who are age 18 or older, in writing, of the categories of records considered to be "directory information." The Attorney General's model policy developed pursuant to Education Code [234.7](#) requires that this notification also describe the manner in which parents/guardians may refuse the release of directory information. See the accompanying Exhibit for a sample parent/guardian notification.*

*At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code [49063](#), [49073](#); 20 USC [1232g](#); 34 CFR [99.37](#))*

*(cf. [5125](#) - Student Records)*

*(cf. [5145.6](#) - Parental Notifications)*

*Note: Pursuant to Education Code [234.7](#), districts are mandated to adopt the following paragraph consistent with the Attorney General's model policy.*

*In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.*

*(cf. [5145.13](#) - Response to Immigration Enforcement)*

*Note: The following paragraph applies to districts that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 20 USC [7908](#) requires those districts to notify parents/guardians that they may request that the district not release their child's name, address, and telephone number to military recruiters, employers, or colleges without their prior written consent. According to Guidance issued by the U.S. Department of Education (USDOE) (Access to High School Students and Information on Students by Military Recruiters), a single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the district not release their child's information to certain third parties, such as military recruiters, but authorize the release to other parties, such as private employers. Districts should consult legal counsel as appropriate.*

*The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC [7908](#))*

#### *Parent/Guardian Consent*

*Note: Education Code [49073](#) specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). Similarly, 20 USC [7908](#) requires an "opt-out" process by which parents/guardians may request that their child's information not be released to military recruiters, employers, or institutions of higher education. However, in the case of a homeless student as defined in 42 USC [11434a](#), directory information may only be released if the parent/guardian or student age 18 or older has provided written consent for its release ("opt-in process").*

*No directory information of a student identified as a homeless child or youth as defined in 42 USC [11434a](#) shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code [49073](#); 20 USC [1232g](#), [7908](#))*

*(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)*

(cf. 9011 - Disclosure of Confidential/Privileged Information)

*For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded.*  
(34 CFR 99.37)

(11/11 7/15) 5/18



**Release of Directory Information**

**PARENT/GUARDIAN NOTICE**

**RELEASE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Mendocino Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- \* a playbill, showing your child's role in a drama production;
- \* the annual yearbook;
- \* honor roll or other recognition lists;
- \* graduation programs; and
- \* sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by \_\_\_\_\_ (insert date) \_\_\_\_\_. The district has designated the following information as directory information:

1. Name
2. Address
3. Telephone number
4. Date of birth
5. Participation in officially recognized activities and sports
6. Dates of attendance
7. Degrees and awards received





**Release of Directory Information**

**PARENT/GUARDIAN NOTICE**

**RELEASE OF DIRECTORY INFORMATION**

*The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Mendocino Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:*

- \* a playbill, showing your child's role in a drama production*
- \* the annual yearbook*
- \* honor roll or other recognition lists*
- \* graduation programs*
- \* sports activity sheets, such as for wrestling, showing weight and height of team members*

*Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to provide military recruiters, upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.*

*If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by (insert date). The district has designated the following information as directory information:*

*Note: The district should modify the following list to specify those categories of information defined by the district as "directory information" in the accompanying administrative regulation. Those items the district does not intend to release as directory information should be deleted.*

- 1. Name*
- 2. Address*
- 3. Telephone number*
- 4. Email address*
- 5. Date of birth*
- 6. Major field of study*
- 7. Participation in officially recognized activities and sports*
- 8. Weight and height of athletic team members*

9. *Dates of attendance*

10. *Degrees and awards received*

11. *Most recent previous school attended*

*The district also may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your child's social security number will not be used for this purpose.*

*Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin. The district will not disclose such information without your consent or a court order.*

*(7/05 11/11) 5/18*