



Administrative Procedure 5040 Student Records, Directory Information, and Privacy

Reference: *Education Code Sections 76200 et seq.; Title 5 Sections 54600 et seq., U.S. Patriot Act; Civil Code Section 1798.85*

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Definitions

Education Records: "Education records" include those records that contain information directly related to a student and that are maintained as official working files by the district. The following are not education records:

- records about students made by instructors, professors and administrators for their own use and not shown to others;
- campus police records maintained solely for law enforcement purposes and kept separate from the education records described above;
- employment records, except where a currently enrolled student is employed as a result of his or her status as a student;
- records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment;
- records that contain only information relating to a person's activities after that person is no longer a student at the college.

District Official: A "district official" is a person employed by the district in an administrative, supervisory, academic, or classified position (including law enforcement unit personnel and health staff); a person or company with whom the district has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another district official in performing his or her tasks.

Legitimate Educational Interest: A district official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibility.

Release of Student Records

No instructor, official, employee, or governing board member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. Official transcripts can be requested through a signed, written request (in the student services office) or a request can be submitted through the college's web site. Requests for education records

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other than transcripts must be submitted in writing to and authorized by the college's Chief Student Services Officer (CSSO) or designee.

- Directory information may be released in accordance with the Family Educational Rights and Privacy Act (FERPA) guidelines.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. All requests for student education records pursuant to a judicial order or a lawfully issued subpoena shall be submitted to the college's CSSO or designee.
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the district only when they have a legitimate educational interest to inspect the record (see definition of legitimate educational interest above). District officials or employees who do not normally have access to student education records in the regular course of their position duties must obtain authorization from the college's CSSO or designee.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. Release of student education records for these purposes must be authorized by the Vice Chancellor of Institutional Effectiveness and Enrollment Management or designee.
- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. Such requests shall be submitted to an authorized by the college's CSSO or designee.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. Such requests shall be submitted to an authorized by the Director of Financial Aid or designee.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the

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purpose for which it is conducted. Such requests shall be submitted to and authorized by the college's CSSO.

- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. Such requests shall be submitted to an authorized by the college's CSSO.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students. This activity shall be coordinated by the college's CSSO or designee.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the fee rate established by the district. Students may request expedited processing of a transcript for an additional fee established by the district.

Use of Social Security Numbers

Effective January 1, 2007, the District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his or her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his or her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her social security number in a manner otherwise prohibited;

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- District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the district shall not deny services to an individual for making such a request.

Student Rights with Respect to Education Records

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

- The right to inspect and review the student's education records within 45 days of the day the college receives a request for access. Students should submit to the college's CSSO or designee a written request that identifies the record(s) they wish to inspect. The CSSO or designee will make arrangements for access and notify the student of the time and place where the records may be inspected.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading (see Administrative Procedure 5045).
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to college officials with legitimate educational interests.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA.

Student Age and FERPA

When the student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parent to the student. Parents, spouses, siblings, or friends do not have access to the student's education records unless the student provides signed permission granting a specified person rights to access his or her records. However, if the parent or legal guardian can provide proof that the student was claimed as a dependent in the most recent income tax year, the parent or guardian can have access to the student's education records without the student's consent. Requests for student education records under this provision must be directed to the CSSO.

Board approval date: 5/18/10