

**BP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND  
PRIVACY**

**References:**

Education Code Sections 76200 et seq.;

Title 5 Sections 54600 et seq.;

[Family Educational Rights and Privacy Act \(FERPA\) \(20 U.S.C. § 1232g; 34 CFR Part 99\)](#)

~~Family Educational Rights & Privacy Act (Section 438, PL 93-380, 1974);~~

~~U.S. Patriot Act;~~

~~Civil Code Section 1798.85~~

~~20 U.S. Code Section 1232g subdivision (j);~~

~~ACCJC Accreditation Standard II.C.8~~

The Chancellor shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The Chancellor may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the District has a right of access to any and all [District-maintained](#) student records relating to ~~him/her/them maintained by the District~~.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

- Student participation in officially recognized activities and sports including weight, height, and high school of graduation of athletic team members.
- Degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition.

Also see BP/AP 3300 ~~itled~~ Public Records; ~~and~~ BP/AP 3310 ~~itled~~ Records Retention and Destruction; AP 5040 Student Records, Directory Information, and Privacy; and AP 5045 Student Records – Challenging Content and Access Log.

---

**Adopted:** June 17, 2014

**Revised:**

(~~This policy r~~Replaces ~~former~~ CLPCCD Policies 5310 and 5511)

## AP 5015 RESIDENCE DETERMINATION

### References:

Education Code Sections 68000 et seq., ~~68130 et seq.~~ 68130.5, and ~~68074-68075.7, and 68086;~~

Title 5 Sections 54000 et seq.;

38 U.S. Code Section 3679

**Residence Classification** – Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. ~~In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.~~
- Residence classification is the responsibility of the College Admissions & Records Office.

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto on the residency page of the college Admissions & Records webpage, overseen by the Admissions & Records administrator.

### Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.

- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A ~~man or a woman~~ person may establish ~~his or her~~ their residence. A ~~woman's~~ person's residence shall not be derivative from that of ~~her~~ their ~~husband's~~ spouse.
- The residence of the parent with whom an unmarried minor child maintains ~~his/her~~ their place of abode is the residence of the unmarried minor child. ~~When~~ if the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish ~~his/her~~ their residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

### **Determination of Resident Status**

A resident is a student who has been a bona fide resident of the Sstate for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the Sstate the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until ~~he/she has resided~~residence in the Sstate meets the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this Sstate, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
  - He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
  - A student holding a valid emergency permit authorizing service in the public schools of this Sstate, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any Sstate agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any Sstate agency may be entitled to resident classification, until the student has resided in the Sstate the minimum time necessary to become a resident.

- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this Sstate on active duty and is attending at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this Sstate, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification, so long as he/she/they remains continuously enrolled in the District.
  - A student who is a member of the armed forces of the United States stationed in this Sstate ~~on active duty~~, except a member of the Armed Forces assigned for educational purposes to a Sstate-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this Sstate, the student shall not lose his/her resident classification, so long as he/she/they remains continuously enrolled in the District.
- ~~—A veteran who was discharged or released from at least 90 days of active service, regardless of the veteran's state of residence is entitled to either resident classification if meeting the resident determination criteria or will be exempt from nonresident fees. A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and the veteran's dependents, regardless of the veteran's state of residence isare entitled to resident classification.~~
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
  - An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
  - ~~• A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.~~
  - A student who is a minor and resides with his or hertheir parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter, or term for which the student proposes to attend.
  -

- ~~A student who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.~~
- ~~A student who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.~~
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this SSstate as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has residedresidency in the Sstate meets the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this Sstate for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his-Sstate or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the Sstate for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she intendsintention to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee

admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by [Education Code Section 76140](#) for the length of time [he/she lives/residing](#) in this [State](#) up to the minimum time necessary to become a resident.

**Right ~~To~~ Appeal** – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the College Admissions & Records Office may make written appeal to the Chief Student Services Officer within 30 calendar days of notification of final decision by the college regarding classification.

**Appeal Procedure** – The appeal is to be submitted to College Admissions & Records Office which must forward it to the Chief Student Services Officer within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Chief Student Services Officer shall review all the records and have the right to request additional information from either the student or the [College Admissions & Records](#) Office.

Within 30 calendar days of receipt, the Chief Student Services Officer shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

**Reclassification** – A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the [College Admissions-Admissions & Records](#) Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students



who were classified as non-residents by the University of California, the California State University, or another community college District (Education Code Section 68044).

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for State and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from a parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one-year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Chief Student Services Officer will make a determination, based on the evidence and notify the student not later than 14-30 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

**Non-Citizens** – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her/them to live permanently in the United States and he/she/their residency meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002;
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the

semester to request a review of their residency status. Final residency determination is made by the College Admissions & Records Office. Students may appeal the decision.

Also see BP/AP 5010 Admissions and Concurrent Enrollment, AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students, BP/AP 5012 International Students, AP 5013 Students in the Military, BP 5015 Residence Determination, BP/AP 5020 Nonresident Tuition, and BP/AP 5030 Fees.

---

**Approved:** March 18, 2014

**Revised:** ~~Edited:~~ August 21, 2018

**Revised:**

## AP 5020 NONRESIDENT TUITION

### References: \_\_\_\_\_

Education Code Sections 68075.65, 68130.5, and 76140 et seq.;  
Title 5 Section 54045.5

The Chabot-Las Positas Community College District (District) Chancellor shall ensure that District procedures for nonresident tuition will comply with legal references cited below and follow the guidelines of the California Community College Budget and Accounting Manual in determining the District's full expense of education.

### Exemptions, including include:

- Any students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet the following requirements:
  - either high school attendance in California for three or more years OR attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
  - graduation from a California high school or attainment of the equivalent thereof;
  - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
  - ~~completion~~ completion of a questionnaire form prescribed by the ~~State~~ California Community Colleges Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
  - in the case of a student without lawful immigration status, the filing of an affidavit that the student has ~~filed~~ filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she is eligible to do so.
  - .
- Any students who meet the following requirements:
  - demonstrates financial need;
  - has a parent who has been deported or was permitted to depart voluntarily;
  - moved abroad as a result of that deportation or voluntary departure;
  - lived in California immediately before moving abroad;
  - attended a public or private secondary school in the State for three or more years; and

- Upon enrollment, will be in their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating intention to establish residency in California as soon as possible.
- Any nonimmigrant aliens granted “T” or “U” visa status under title 8 U.S. Code Section 1101 subdivision (a)(15)(T)(i) or (ii), or section 1101 subdivision (a)(15)U(i) or (ii), respectively, who meet the following requirements:
  - high school attendance in California for three or more years;
  - graduation from a California high school or attainment of the equivalent thereof;
  - registration or enrollment in a course offered for any term or commencing on or after January 1, 2002; and
    - completion of a questionnaire form prescribed by the California Community Colleges Chancellor’s Office verifying eligibility for this nonresident tuition exemption.
- A special part-time student, other than a nonimmigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.

Further Nonresident Requirements include:

- A requirement that tThe nonresident tuition fee be set not later than ~~February~~ March 1 of each year.
- A requirement that tThe calculation shall reflect the current expense of education calculated according to the Budget and Accounting Manual.
- The need to address eExemptions, if any, due to reciprocity with bordering states.
- The applicable pProcessing fees, if any, for international students.
- A requirement that tThe calculation shall include the expense of education in the preceding fiscal year.
- A requirement that tThe calculation shall reflect fees in contiguous Districts.
- A requirement that tThe calculation shall provide for students enrolled in more or less that 15 units per term.
- The posting of a notice listing persons exempt from paying nonresident tuition on the District’s website.

**1. Authority to Determine Residence**

The College Admissions ~~and~~ & Records Office is authorized to evaluate information presented by any applicant for admission and make determinations of residence for the purpose of charging a non-residence fee.

Such authorization includes authorization to establish required procedures including the printing of required residence questionnaires. Said document(s) must ascertain both the act and the intent of a student to establish and maintain California residency.

## **2. Appeal of Residency Determination**

A student may appeal the residency determination to the Chief Student Services Officer. Unique cases may be referred by the Chief Student Services Officer to the legal staff of the Chancellor's Office of the California Community Colleges for consideration.

## **3. Amount of Nonresident Fee**

The tuition fee per credit shall be determined by the Board on or before [February March](#) 1 of each year in accordance with the provisions of the Education Code. This fee will be a per-unit charge.

## **4. Disposition of Fees Collected**

All fees collected shall be deposited to the credit of general fund of the District.

## **5. Collection of Fees in Advance**

Nonresident fees are due and payable on or before the first day of instruction for each semester or term and shall be based upon the number of units for which the student is enrolled.

## **6. Nonpayment of Fees**

Students failing to pay required fees shall be excluded from classes and all activities of the college.

## **7. Admission in Error**

Nonresident students subject to payment of nonresident tuition fees who have been admitted to a class or classes in error without payment of the fee shall be excluded from such class or classes upon notification pending payment of the fee.

## **8. Admission by Falsification**

Nonresident students who have been admitted to a class or classes without payment of the fee because of falsification of information submitted by or for them shall be excluded from such class or classes upon notification.

Students excluded because of falsifications shall not be readmitted during the academic semester or session from which they were excluded, nor shall they be admitted to any following academic semester or session until all previously incurred tuition obligations are paid. Said student may be subject to disciplinary action as determined by the Chief Student Services Officer.

## **9. Collection of Fees**

Following ~~falsification~~, ~~it shall be the policy of~~ the District ~~to shall~~ vigorously pursue collection of nonresident fees, payment of which was avoided by falsification. The Chancellor is authorized to initiate action or to request the County Counsel to initiate action in appropriate courts of law in order to collect fees.

## 10. Refunds

- a. **Erroneous Determination of Nonresident Status** If a student is erroneously determined to be nonresident and, consequently, a tuition fee is paid, such fee is refundable in full, provided acceptable proof of residence is presented within the academic year for which the fee was paid.
- b. **Official Withdrawal or Reduction of Program** – Nonresident students officially withdrawing from enrollment or reducing their programs may have a portion of their tuition fee refunded in accordance with the following schedule (see Paragraph 11). Refunds shall not exceed the amount of tuition paid and will be processed only when accompanied by the receipt issued at the time of payment.

Approximately two weeks will be required to process requests for refund of tuition.

## 11. Refund Schedule

Refund of tuition fees by reasons of program reductions or withdrawal from the college will be made in accordance with the schedule indicated below:

<b>Date of Withdrawal or Reduction in Program</b>	<b>Refund</b>
Prior to the first day of instruction in a regular semester or session	90%
During the first week of instruction for a regular semester, session or its equivalent for a session	75%
After NGR period* for a session	None

\*First 20% of a session

Also see BP/AP 5010 Admissions and Concurrent Enrollment, AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students, BP/AP 5012 International Students, AP 5013 Students in the Military, BP/AP 5015 Residence Determination, BP 5020 Nonresident Tuition, and BP/AP 5030 Fees.

---

**Approved:** March 18, 2014

**Revised:** ~~Edited~~ November 20, 2017

**Revised:** \_\_\_\_\_

**AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND  
PRIVACY**

**References:**

Education Code Sections ~~71094~~ 66093.3 and 76200 et seq.;  
Title 5 Sections 54600 et seq. and 59410;  
[Family Educational Rights and Privacy Act \(FERPA\) \(20 U.S.C. § 1232g; 34 CFR Part 99\)](#)  
[U.S. Patriot Act](#);  
Civil Code Sections 1788.90 et seq. and 1798.85;  
[20 U.S. Code Section 1232g subdivision \(j\) \(U.S. Patriot Act\)](#);  
[ACCJC Accreditation Standard II.C.8](#)

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

**Collection and Retention of Student Information**

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The Admissions and Records Department shall maintain District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities; and
- That opting out is the students' only way to prevent the release of directory information.



Any sensitive information, such as a student's, parent's, or guardian's social security number, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District Campus Safety departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District Campus Safety departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

#### **Release of Student Records:**

No instructor, official, employee, or 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. A Records Release Form is available in the Admissions and Records Office.
- "Directory information" may be released in accordance with the definitions in BP 5040 ~~titled~~ Student Records, Directory Information, and Privacy.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
- 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.
- 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~~ for 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. Requests for student records and/or directory information shall be submitted to the Admissions and Records Administrator.

- 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.
- 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.
- 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 purpose for which it is conducted.
- 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.
- 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, major(s), degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

### **Access to Student Records for Immigration Enforcement Purposes**

The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact: Office of the College President to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District shall provide a set of responses for personnel to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the Office of the College President, District personnel shall take the following action steps in response to an officer from outside of the District requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus Safety shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA (Family Educational Rights and Privacy Act).

#### **Charge for Transcripts or Verifications of Student Records:**

A student/former student shall be entitled to two free copies of the transcript of their record or up to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by them, at the rate of per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

## Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

## Use of Social Security Numbers

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/her~~their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use ~~his/her~~their social security number to access an internet website without also requiring a password or unique personal identification number or other authentication device; 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/she has of~~ the right to stop the use of ~~his/her~~their social security number in a manner otherwise prohibited;
- The 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.

[Also see BP/AP 3300 Public Records; BP/AP 3310 Records Retention and Destruction; BP 5040 Student Records, Directory Information, and Privacy; and AP 5045 Student Records – Challenging Content and Access Log.](#)

---

**Approved:** March 18, 2014

**Revised:** \_\_\_\_\_

~~(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)~~

AP 5041 STUDENT RECORDS - ~~PREFERRED~~ CHOSEN NAME AND GENDER

References:

Title IX, Education Amendments of 1972, 42 U.S.C. 1681  
Education Code, Section 201  
Education Code 210.7  
Education Code 220  
Education Code 66250 et seq.;  
Education Code 72010 et seq.  
California Code of Regulations  
Title 5 Section 59311  
Weathers v. Superior Court (1976) 54 Cal.App.3d 286, 288  
Code of Civil Procedure Section 1275 et seq.;  
Code of Civil Procedure Section 1279.5

The District is committed to providing an inclusive, supportive, and non-discriminatory learning environment for all students and equal opportunity in educational programs and activities.

The District recognizes that some students may ~~prefer to~~ use names other than their legal names to identify themselves. The District further recognizes that students may wish to identify by a ~~preferred~~ gender, ~~or including a non-binary options~~ gender, ~~other which differs from than their~~ the sex ~~they were~~ assigned at birth. A ~~preferred-chosen~~ name, ~~preferred-personal~~ pronouns, and ~~preferred~~ gender ~~identity may shall~~ be used when possible on certain documents and unofficial records maintained by the District, and in situations where a legal name and gender are not required by law. The following guidelines and procedures have been established to help clarify the use of ~~preferred chosen~~ names, pronouns, and gender at the District. Students may not use an ~~preferred alternate~~ name or gender for inappropriate purposes, such as fraud or misrepresentation.

**A. Definitions**

For purposes of this Administrative Procedure, the following definitions apply:

Legal Name: A name designated on official government issued documents including but not limited to birth certificates, passports, social security cards, immigration documents and identification cards or permits. In order to change a person's legal name, a court order is required under California law.

Preferred Chosen Name: A name that a person can designate on District-related unofficial documents and records, as defined below, in place of the person's legal name and in furtherance of their preferred gender identity. It is the name that the person ~~wishes to be known or identified by~~ uses to identify themselves, and is different from the person's legal name.

Preferred Personal Pronouns: The pronouns that a person ~~wishes uses~~ to identify themselves and designate on District-related documents and unofficial records.

Sex Assigned at Birth: This refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Gender Identity: This refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth. The gender identity that a person wishes to designate on District-related documents and unofficial records.

Non-binary: Non-binary is an umbrella term that describes a gender identity that is neither exclusively man nor woman.

~~Preferred Gender: The gender identity that a person wishes to designate on District-related documents and unofficial records.~~

Official Records: Official records are those records the District is required to maintain as part of a student's permanent record and which are required, by law or District policy or practice, to contain a student's legal name.

Official records include, but are not limited to, registration documents, official and unofficial transcripts, health records, diplomas, financial aid documents, payroll records and federal immigration documents.

Unofficial Records: Unofficial records are those records which do not require a legal name. These records include but are not limited to academic and extracurricular rosters, identification badges, and District email addresses.

## **B. Official Records**

The District will change a student's name and/or gender on official records when the name or gender of the student is changed through civil records or court action, such as by a change of name proceedings. Once the District receives notice of an order change, it will use the new legal name and/or gender in all District records going forward to reflect the change.

## **C. Unofficial Records**

The District shall permit a student to use a preferred-chosen name and ~~preferred~~ gender identity on District-related unofficial documents and records where the use of the legal name is not required by law or District policy. Before a student's preferred-chosen name and gender identity will appear on unofficial records, a student must submit, to the Admissions and Records Office of each College as appropriate, a completed Change of Information Form.

The District shall input the student's preferred-chosen name and ~~preferred~~ gender identity, if applicable, in the appropriate fields in the District's electronic data system to indicate how the student's name and gender will appear on unofficial records. The District shall also enter the preferred-chosen name and gender identity as an Also Known As ("AKA") in the student's permanent records folder.

#### **D. Names and Pronouns**

~~Every~~ The District community, including administrators, faculty, and classified professionals effort should ~~be made~~ make every effort to use the preferred-chosen names and personal pronouns consistent with a student's ~~preferences~~ identity.

Also see BP and AP 3410 Nondiscrimination; AP 3435 Discrimination and Harassment Complaint Procedures; BP and AP 5530 Students Rights and Grievances.

---

**Date Approved:**