

Student Services

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

Reference(s):

Education Code Sections 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)
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;
- The period of time in which the eligible student has to notify the school in writing that they do not want the information designated as directory information; 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 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 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 place of birth, levels of education, major(s), degree received, 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.

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. 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 their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use 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 of the right to stop the use of 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.

Name, Gender Identity, and Gender Changes to Student Records

Current students can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law. Upon the request of a current student, the district shall update any records for the student to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include but are not limited to district-issued email addresses, student identification cards, class rosters, diplomas, certificates of completion of courses, or similar records.

If the district receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the district shall update the former student's records to include the updated legal name or gender. If requested by the former student, the district shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the district upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The district shall not charge a higher fee for correcting, updating, or reissuing a document or record based on an affirmed name, gender identification, or legal name or gender change than the fee it charges for correcting, updating, or reissuing that document or record generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The district is not required to modify records that the former student has not requested for modification or reissuance.

The district cannot require a current student to provide legal documentation in order to have the student's affirmed name and gender listed on the student's records.

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.

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