



AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

Education Code Sections 71091 and 76200 et seq.;

Title 5 Sections 54600 et seq.;

U.S. Patriot Act 20 U.S. Code Section 1232g(j)(U.S. Patriot Act);

Civil Code Section 1798.85;

ACCJC Accreditation Standard II.C.8

The District shall notify students annually of their Family Educational Rights and Privacy Act (FERPA) rights. The annual notification shall specify student rights covered by FERPA, including the right to:

- Inspect and review information contained in education records.
- Request the amendment of the student's education records to ensure that they are inaccurate, misleading, or otherwise in violations of the student's privacy rights.
- Consent to disclosure, with certain exceptions, of personally identifiable information from education records.
- File complaints with the Department of Education concerning alleged failures by institutions to comply with FERPA.

- The annual notification shall also include:
 - The procedure to inspect and review education records.
 - The procedure for requesting an amendment to education records.
 - The institution's definition of "school officials" and what constitutes a "legitimate educational interest."

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

Release of Student Records

No employee, official, or member of the Board of Trustees 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. Such written consent must specify the records to be released, the purpose of the disclosure, identify the party to whom the disclosure is to be made, and be signed and dated by the student. Students may file the appropriate authorization for release of information forms with Admissions & Records.

- "Directory information" may be released in accordance with the definitions in BP 5040 Student Records, Directory Information, and Privacy. Release of directory information may be limited or denied upon a determination of the best interests of



- a student or students (e.g. safety concerns, predatory business practices).
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. The District will make a reasonable effort to notify a student of the order or subpoena in advance of compliance except in the case of a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose that specifically orders that notification not be made in the 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 in order to fulfill his/her professional responsibilities for the District. The FERPA Guidelines further define officials as students serving on official committees (such as a disciplinary or grievance committee), contractors, volunteers, and others performing institutional functions. FERPA also permits disclosure to a contractor or other party to whom the District has outsourced institutional services or functions.
 - 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.
 - Student records may be released to officials of 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. In time of emergency, college officials may be in a position to release such information.
- Under the Solomon Amendment, the following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, age or year of birth, levels of education or degrees received, and academic major.

Charge for Transcripts

A student/former student shall be entitled to two free copies of the official transcript of his/her academic record. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate identified in AP 5030 Fees. Students may request special processing of a transcript for additional fees.

Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding. Students who submit official transcript requests via the student portal provide authorization by submitting their electronic signature.

Use of Social Security Numbers (Civil Code Section 1798.85)

The District shall **not** do any of the following:

1. Publicly post or publicly display an individual's social security number;
2. Print an individual's social security number on a card required to access products or services;
3. Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;
4. Require an individual to use his/her social security number to access an Internet website without also requiring a password or unique personal identification number or other authentication device; or
5. Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document to be mailed. However, social security numbers may be included:
 - in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or
 - to establish, amend, or terminate an account, contract or policy, or



- to confirm the accuracy of the social security number.

A social security number that is permitted to be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on the envelope or without the envelope having been opened.

Date Approved: April 13, 2015

Legal Reference Update #26: April 2015