



Reference: *Education Code Sections 66093.3 and 76200 et seq.;*  
*Title 5 Sections 54600 et seq.;*  
*20 U.S. Code Section 1232 g(j) (U.S. Patriot Act);*  
*Civil Code Section 1798.85;*  
*ACCJC Accreditation Standard II.C.8*

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.

### 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 District's Chancellor's Office shall maintain, in writing, Board Policies and Administrative 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 he/she does not want the information designated as directory information; and
- That opting out by the noted deadline is the student's 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 police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security 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 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 website. Requests for education records 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 and 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 and 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 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 and 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, major(s), 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.

#### 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 information (name, title, email address, and phone number) for the correct person 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 personnel shall provide a set of responses for building personnel and residence hall staff, if applicable, to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the College President or designee, District personnel shall take the following action steps in response to an officer other than campus police 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 his/her efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police or security 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.

#### 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.

#### 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 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 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 or she has the right to stop the use of his or her 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.

### 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.

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