

**Policy****5040 Student Records, Directory Information, and Privacy**

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 shall 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 of their student records maintained by the District. The Chancellor shall implement a system by which 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 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, transcripts, diplomas, certificates of completion of courses, or similar records. Upon request by a former student of the District, the District will update and reissue student records to include an updated legal name or gender. These documents include but are not limited to transcripts or a diploma.

The District cannot require a current student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's affirmed name listed on the student's records.

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: The Family Educational Rights and Privacy Act (FERPA) permits release of "directory information" without student's prior written authorization unless the student has filed a Notice to Deny Disclosure form with the Enrollment Services Office or Admissions & Records Office that the College may not release such information.

Directory information shall include:

- Name, address, phone number, email address, dates of attendance, major field of study, degrees, certificates received, the most recent previous educational agency or institution attended, date and place of birth, current enrollment status, and photographs.

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

References:

Education Code Sections [66271.4 et seq.](#) and [76200 et seq.](#); Title 5 Sections [54600 et seq.](#); [20 U.S. Code Section 1232g\(j\)](#); [ACCJC Accreditation Standard II.C.8](#)

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Administrative Procedure

5040 Student Records, Directory Information, and Privacy

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

II. 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 Offices of Admissions and Records or Enrollment Services shall maintain in writing 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 the student does 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 SSN, 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 security departments shall not inquire into an individual’s immigration status for immigration enforcement purposes.

District 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.

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- III. Release of Student Records. No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:
 - A. Student records shall be released pursuant to a student's written consent.
 - B. "Directory information" may be released in accordance with the definitions in Board Policy 5040.
 - 1. Currently enrolled students may request that even directory information be kept confidential by filing a "Notice to Deny Disclosure of Personal Information" in the Admissions and Records Office or Enrollment Services Office.
 - C. Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
 - 1. Upon receipt of a judicial order or lawfully issued subpoena, the Admissions and Records Office or Enrollment Services Office notifies the student of the request.
 - D. 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.
 - E. Student records may be released to officials and employees of the District when they have a legitimate educational interest to inspect the record.
 - 1. In addition to the directory information provided in policy, both college Foundations shall have access to the following student information:
 - a) Name
 - b) Last known address
 - c) Last known phone number
 - d) Year degree was conferred
 - e) Date of birth
 - F. 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.
 - G. 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](#).

- 1 H. Student records may be released to agencies or organizations in connection with a student's
2 application for, or receipt of, financial aid, provided that information permitting the personal
3 identification of those students may be disclosed only as may be necessary for those purposes as
4 to financial aid, to determine the amount of the financial aid, or conditions that will be imposed
5 regarding financial aid, or to enforce the terms or conditions of financial aid.
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- 7 I. Student records may be released to organizations conducting studies for, or on behalf of,
8 accrediting organizations, educational agencies or institutions for the purpose of developing,
9 validating, or administering predictive tests, administering financial aid programs, and improving
10 instruction, if those studies are conducted in such a manner as will not permit the personal
11 identification of students or their parents by persons other than representatives of those
12 organizations and the information will be destroyed when no longer needed for the purpose for
13 which it is conducted.
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- 15 J. Student records may be released to appropriate persons in connection with an emergency if the
16 knowledge of that information is necessary to protect the health or safety of a student or other
17 persons, subject to applicable federal or state law.
18
- 19 K. The following information shall be released to the federal military for the purposes of federal
20 military recruitment: student names, addresses, telephone listings, dates and places of birth,
21 levels of education, major, degrees received, prior military experience, or the most recent
22 previous educational institutions enrolled in by the students.
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24 IV. Access to Student Records for Immigration Enforcement Purposes
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26 The District must obtain a student's written consent before disclosing educational records, unless the
27 information is relevant for a legitimate educational interest or includes directory information only.
28 Neither exception permits disclosing information for immigration enforcement purposes; no student
29 information shall be disclosed for immigration enforcement purposes without a court order or judicial
30 warrant. Without a court order or a judicial warrant, written consent must be signed and dated by
31 the student, or (if the student is a minor) by the student's parent or guardian, before disclosure of the
32 information, and must specify the records that may be disclosed, the purpose of the disclosure, and
33 the party or class of parties to whom the disclosure may be made.
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35 If desired by the student, the District must provide a copy of the records to be released. The party to
36 whom the information is disclosed may not re-disclose the information to any other party without the
37 prior consent of the student or subsequent court order.
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39 District personnel shall develop a written policy for interactions with immigration authorities seeking
40 to review student records. At minimum, such policies shall include the following information:
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- 42 • Contact information [name, title, e-mail addresses, and phone numbers] for the correct
43 person to review and respond to a request for student records.
- 44 • Access to sample warrant and subpoena documents that could be used for access onto
45 campus property, or to seize or arrest students or other individuals on campus.
- 46 • District personnel shall provide a set of responses for [building personnel] to use in response
47 to officers seeking access to records for immigration enforcement purposes.
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1 In addition to notifying the Director of Admissions and Records or Dean of Enrollment Services, District
2 personnel shall take the following action steps in response to an officer other than campus security
3 requesting access to student records:
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- 5 1. Ask for the officer's name, identification number, and agency affiliation;
- 6 2. Record or copy this information;
- 7 3. Ask for a copy of any warrants;
- 8 4. Inform the officer that they are not obstructing their efforts but that they need to contact a
9 campus administrator or campus counsel for assistance.

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11 Campus security shall not provide personal information about an individual for immigration enforcement
12 purposes, unless that information is publicly available, or required by a court order or judicial warrant.
13 "Personal information" is defined as any information that identifies or describes an individual, and
14 includes but is not limited to, a student's physical description, home or work address, telephone number,
15 education, financial matters, medical or employment history, and statements made by, or attributed to,
16 the individual. This restriction does not apply to information regarding the immigration or citizenship
17 status of an individual.
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19 Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure
20 to the student, the student must be notified of any judicial order or subpoena before the institution
21 complies with the order in accordance with FERPA.
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23 V. Charge for Transcripts or Verifications of Student Records: A student/former student shall be entitled
24 to two free copies of the transcript of their record or to two free verifications of various student
25 records. Additional copies shall be made available to the student, or to an addressee designated by
26 the student, at the rate of \$10 per copy. Students may request special processing of a transcript for
27 an additional fee. The District will not refuse to provide a transcript for a current or former student
28 on the grounds that the student owes a debt; condition the provision of a transcript on the payment
29 of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a
30 transcript, or provide less favorable treatment of a transcript request because a student owes a debt;
31 or use transcript issuance as a tool for debt collection.
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33 VI. Electronic Transcripts: The District may elect to implement a process for the receipt and transmission
34 of electronic student transcripts contingent upon receipt of sufficient funding.
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36 VII. Use of Social Security Numbers
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38 A. Effective January 1, 2007, the District shall not do any of the following:
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- 40 1. Publicly post or publicly display an individual's social security number.
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- 42 2. Print an individual's social security number on a card required to access products or services.
- 43
- 44 3. Require an individual to transmit their social security number over the internet using a
45 connection that is not secured or encrypted.
- 46
- 47 4. Require an individual to use their social security number to access an Internet Web site
48 without also requiring a password or unique personal identification number or other
49 authentication devise.

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2 5. Print, in whole or in part, an individual's social security number that is visible on any materials
3 that are mailed to the individual, except those materials used:

- 4
5 a) For application or enrollment purposes.
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7 b) To establish, amend, or terminate an account, contract, or policy.
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9 c) To confirm the accuracy of the social security number.

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

- 14
15 1. The use of the social security number is continuous.
16
17 2. The individual is provided an annual disclosure that informs the individual that they have the
18 right to stop the use of their social security number in a manner otherwise prohibited.
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20 3. The District agrees to stop the use of an individual's social security number in a manner
21 otherwise prohibited upon a written request by that individual.
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23 4. No fee shall be charged for implementing this request; and the District shall not deny services
24 to an individual for making such a request.
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26 VIII. Name, Gender Identity, and Gender Changes to Student Records

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28 Current students can declare an affirmed name, gender, or both name and gender identification to
29 be used in their records where legal names are not required by law. Upon the request of a current
30 student, the District shall update any records for the student to include the affirmed name, gender,
31 or both name and gender identification. The records that shall be updated include but are not limited
32 to District-issued email addresses, student identification cards, class rosters, transcripts, diplomas,
33 certificates of completion of courses, or similar records.
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35 If the District receives government-issued documentation, as described below, from a former student
36 demonstrating that the former student's legal name or gender has been changed, the District shall
37 update the former student's records to include the updated legal name or gender. If requested by
38 the former student, the District shall reissue any documents conferred upon the former student with
39 the former student's updated legal name or gender. Documents that shall be reissued by the District
40 upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the
41 institution.
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43 The District shall not charge a higher fee for correcting, updating, or reissuing a document or record
44 based on an affirmed name, gender identification, or legal name or gender change than the fee it
45 charges for correcting, updating, or reissuing that document or record generally.
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47 The documentation of a former student sufficient to demonstrate a legal name or gender change
48 includes, but is not necessarily limited to, any of the following:

- 49 • 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 to demonstrate a legal name or gender change in order to have the student's affirmed name listed on the student's records.

References:

Education Code Sections [66093.3](#), [66271.4](#), and [76200 et seq.](#); Title 5 Sections [54600 et seq.](#) and [59410](#); [10 U.S. Code Section 503](#); [20 U.S. Code Section 1232g subdivision \(j\) \(U.S. Patriot Act\)](#); Civil Code Sections [1788.90 et seq.](#) and [1798.85](#); [ACCJC Accreditation Standard II.C.8](#)

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