

## **CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES**

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

References: Education Code Sections 71091, 76200, 76210 and 76220 et seq.; Title 5 Sections 54600 et seq. and 59410; Civil Code Sections 1788.90 et seq. and 1798.85; U.S Patriot Act

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

In accordance with Education Code Section 76210, the following definitions apply:

1. "Student record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by a community college or required to be maintained by any employee in the performance of their duties, whether recorded by handwriting, print, tapes, film, microfilm or other means.
  - a. "Student record" does not include (A) confidential letters and statements of recommendations maintained by a community college on or before January 1, 1975, if these letters or statements are not used for purposes other than those for which they were specifically intended, (B) information provided by a student's parents relating to applications for financial aid or scholarships, or (C) information related to a student compiled by a community college officer or employee that remains in the sole possession of the maker and is not accessible or revealed to any other person except a substitute. For purposes of this paragraph, "substitute" means a person who performs, on a temporary basis, the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in their position.
  - b. "Student record" does not include information, related to a student, created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity, or assisting in that capacity, and that is created, maintained, or used only in connection with the provision of treatment to the student and is not available to anyone other than persons providing that treatment. However, that record may be personally reviewed by a physician or other appropriate professional of the student's choice.
  - c. "Student record" does not include information maintained by a community college law enforcement unit, if the personnel of the unit do not have access to student records pursuant to Section 76243, the information maintained by the unit is kept apart from information maintained pursuant to subdivision (a), the information is maintained solely for law enforcement purposes, and the information is not made available to persons other than law enforcement officials of the same jurisdiction.

- d. "Student record" does not include information maintained in the normal course of business pertaining to persons who are employed by a community college, if the information relates exclusively to the person in that person's capacity as an employee and is not available for use for any other purpose.
2. "Directory information" means one or more of the following items:
  - a. Name
  - b. Dates of attendance
  - c. Major field of study
  - d. Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members
  - e. Degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean's List recognition
3. "Access" means a personal inspection and review of a record or an accurate copy of a record, or an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

### **Release of Student Records**

No instructor, official, employee, or member of the Board of Trustees shall authorize access to student records to any person except under the following circumstances:

- "Directory information" may be released in accordance with the definition of directory information in Board Policy 5040 Student Records, Directory Information, and Privacy.
- Student records shall be released pursuant to a student's written consent. Access to a Student's educational record may be permitted to any person for whom the student has executed a written consent specifying the records to be released and identifying the party to whom the records may be released. The consent notice shall be permanently kept with the record of access file.
- Where personal information from the educational record is provided to a third party, the following statement shall accompany the records released:

*"This information is released to you in accordance with the Family Educational Rights and Privacy Act (Section 438, P.L. 93-380 and the California Education Code (Sections 25430 - 25430.18) on the condition that you will not permit any other party to have access to this information without prior written consent of the individual involved."*
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. The subpoena server would first pay the subpoena fee at the Cashier's Office and would submit the subpoena along with the receipt of payment to Admissions and Records Office. The Admissions and Records Office shall make a reasonable effort to notify the student in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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. Requests must be submitted in writing to the Dean of Enrollment Services.
- 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, 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 information (name, title, e-mail addresses, and phone numbers) 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 to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the designated campus official, 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 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.

### **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 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 current published rate per copy stated in the current class schedule. Students may request special processing of a transcript.

### **Transfer of Information by Third Parties**

When personally identifiable information contained in the educational record is transferred to a third party, it shall be stipulated that the third party shall not permit access by any other party without written consent of the student.

### **Notice of Students Rights**

Students shall be informed upon initial enrollment and annually thereafter of their rights under this policy by publication of the following statement in the Citrus College catalog:

#### *Educational rights and privacy*

*Citrus College student records are maintained in accordance with the Family Educational Rights and Privacy Act, the California Education Code, California Code of Regulations, and the U.S. Patriot Act. Written student consent is required for access and the release of information defined as educational records in the federal and state laws as described in Citrus College AP 5040 Student Records, Directory Information and Privacy.*

*A student's directory information may, under certain circumstances or as required by law, be released to any person upon request unless the Admissions and Records Office receives written notification, that a student reserves the right to authorize in writing on an individual request basis the access and release of the directory information. Such a notice of restriction shall remain in effect until it is countermanded in writing.*

*Additionally, the laws provide that a student may request access to their student records which are personally identifiable to that student, and may challenge the accuracy or the appropriateness of retention of information in their student record.*

*Questions concerning student rights under the privacy acts should be directed to the Admissions and Records Office.*

### **Destruction of Records**

It is not intended that this policy should prevent the destruction of records per AP 3310 Records Retention and Destruction.

## **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 a 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 they have 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.

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