



AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

Education Code Sections 6609.3 and 76200 et seq.;
Title 5 Sections 54600 et seq.;
Civil Code Section 1798.85;
20 U.S. Code Section 1232 g(j) (U.S. Patriot Act);
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 students' education records that they believe are inaccurate, misleading, or otherwise in violations of the students' 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.

Student Records

Student records are defined as records, files, documents, data and other materials recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, microfiche or any electronic storage software, that contain information directly related to a student and are maintained by the District.



The following are not considered student records:

- **Records of instructional, supervisory, and administrative personnel and ancillary educational personnel that are in the sole possession of the maker and that are not accessible or revealed to any other person.**
- **Medical and personal counseling records used solely for treatment.**
- **Financial records of a parent or spouse.**
- **Records that only contain information about the students after they are no longer a student (e.g., alumni records).**
- **Employment records.**

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:

- 1) 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.
- 2) "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).
- 3) 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.
- 4) 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.
- 5) Student records may be released to officials of the District only when they have a legitimate educational interest to access and inspect the record.
 - "District officials" are SBCC full-time and part-time employees (as determined by Human Resources) or third party agents under contract with the District to provide professional, business and similar



administrative services related to the college's educational mission. FERPA guidelines further define officials as contractors, volunteers, and others performing institutional functions on behalf of the District. Students are categorized as "District Officials" only while serving on official committees (such as a disciplinary or grievance committee).

- "Legitimate educational interest" means a district official, acting in the student's educational interest, who needs the information in the course of performing advisory, instructional, supervisory, or administrative duties for the District. Access is necessary for the district official to carry out their board-approved job responsibilities in support of SBCC's educational mission.
- 6) 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.
 - 7) 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.
 - 8) 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.
 - 9) 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.

- 10) 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.

Charge for Transcripts

Current and former students shall be entitled to two free copies of the official transcript of their academic record. Additional copies shall be made available to the student, or to an addressee designated by the student, 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 individuals to transmit their Social Security number over the internet using a connection that is not secure or encrypted;
4. Require individuals to use their Social Security number to access an internet website without also requiring a password or unique personal identification number or other authentication devise; 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:

- a. in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or
- b. to establish, amend, or terminate an account, contract or policy, or
- c. 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.

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