



Origination: N/A  
 Last Approved: N/A  
 Last Revised: N/A  
 Next Review: N/A  
 Owner: Academic Senates Academic Senates:  
 Policy Area: Chapter 5 Student Services  
 References: Legally Required

# AP 5040 Student Records, Directory Information, and Privacy

(Replaces current SBCCD AP 5040)

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

## ~~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:~~

- ~~• Student records shall be released pursuant to a student's written consent. [Insert local procedure on obtaining consent or student request].~~
- ~~• "Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information, and Privacy. [Insert local procedure for releasing "directory information."]~~
- ~~• Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. [Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued 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. [Insert local procedure on release of records to District officials and employees.]~~
- ~~• 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. [Insert local procedures or who is responsible for providing such information and~~

~~defining procedure.]~~

- ~~▪ 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. [Insert local procedures or who is responsible for providing such information and defining procedure.]~~
- ~~▪ 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. [Insert local procedures or who is responsible for providing such information and defining procedures.]~~
- ~~▪ 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. [Insert local procedures or who is responsible for providing such information and defining procedure]~~
- ~~▪ 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. [Insert local procedures or who is responsible for providing such information and defining procedure.]~~

~~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.~~

## ~~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 rate of [ \$ \_\_\_\_\_ ] per copy. Students may request special processing of a transcript.~~

## ~~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/her social security number over the internet using a connection that is not secured or encrypted;~~
- ~~• Require an individual to use his/her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication devise; 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/she has the right to stop the use of his/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.~~
- ~~• From current SBCCD AP 5040 titled Student Records, Directory Information and Privacy~~

## STUDENT RECORDS

- A. The colleges shall maintain appropriate records to document and verify student enrollment, attendance, and withdrawal information as required for state apportionment purposes.
- B. Data provided by the instructor shall be readily available for audits, internal controls, and other verification.
- C. Data for Enrollment (Data)
  1. Student Applications
  2. Change of Program Data
  3. Fee Data
  4. Credit by Examination
  5. Student Academic Records
  6. Assessment Scores

## ACCESS TO STUDENT RECORDS

- A. Definitions
  1. "Student" means any person who is currently enrolled or formally enrolled in classes in the San Bernardino Community College District.
  2. The following~~;~~ data and documents will be maintained by the colleges and classified as "Student Records":

~~Admission Data~~  
~~Discipline Records~~  
~~Health Records~~  
~~Veteran Records~~  
~~Educational Records~~

- a. Admission Data
- b. Discipline Records
- c. Health Records
- d. Veteran Records
- e. Educational Records

3. The following are not classified as "Student Records":

- a. Information provided by a student's parents relating to applications for financial aid or scholarships.
- b. Information related to a student compiled by a college officer or employee:
  - 1. ~~Appropriate~~appropriate for such officer or employee's performance of his/her responsibility; and
  - 2. ~~Which~~which remains in the sole possession of the maker thereof; and
  - 3. is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean 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 his/her position.
- c. Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:
  - 1. acting or assisting in his professional or para-professional capacity; and
  - 2. the record is created, maintained or used in connection with the provision of treatment to the student; and
  - 3. the record is not available to anyone other than persons providing such treatment provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.
- d. Information maintained by a college law enforcement unit:
  - 1. necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or as may be assigned by the district;
  - 2. unit personnel do not have access to other student records; and
  - 3. such information is kept apart from other student records; and
  - 4. maintained solely for law enforcement purposes; and
  - 5. is available only to other law enforcement officials of the same jurisdiction.
- e. Any data or records not identified in part 2 is not to be considered a student record.

#### **B. Access to Student Records**

1. Students, as defined in this policy, have the right to review and receive copies of all student records relating to the student as maintained by the colleges. Expressly exempted from the right of inspection:
  - a. financial records of the parents of the students;
  - b. confidential letters and statements of recommendation that were placed in the education record prior to January ~~1, 1975.~~ After January 1, 1975. ~~After January 1, 1975.~~ confidential recommendations and other materials regarding admission to special departmental programs or honorary recognition for students may be acquired and remain confidential if the student has signed a waiver of his/her right to review and inspect such documents. In the event a student does not sign a waiver, such student must be given access to these records;
  - c. records of instructional, supervisory, counseling and administrative personnel which are in their sole possession and are not accessible or revealed to any other person except a substitute;
  - d. records of employees at the college, who are not in attendance at the college, made and maintained in the normal course of college business; and
  - e. records of students made and maintained by the college Health Office that are used in the treatment of students.
2. Procedures shall be developed by each college to provide for access to student records that will include:
  - a. a written request from the individual student;
  - b. access to student records not to exceed ten working days;
  - c. a review and inspection process that will be under the direct supervision of a designated employee
  - d. ~~The~~the option to obtain copies of their student records at a designated fee for each page copied.
3. If any material or document in the education record of a student includes information on more than one student, the student shall have the right to inspect and review only such part of the material or document as relates to him/her or to be informed of the specific information contained in such part of the material or document.

### C. Release of Student Records

1. Release of or access to individual student records is not authorized without specific written consent of the individual student or under judicial order, except that access may be permitted to the following
  - a. Officials and employees of the college, provided that any such person has a legitimate educational interest to inspect a record.
  - b. Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program, or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal

legal requirements.

- c. Other state and local officials or authorities to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.
  - d. Accrediting organizations in order to carry out their accrediting functions.
  - e. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such 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 such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
  - f. Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons, or safety of a student or other persons, or subject to such regulations as may be issued by the Secretary of Health, Education and Welfare.
2. The agencies and individuals listed above are expressly forbidden from permitting access of said educational records to third parties.
  3. Where the colleges receive a judicial order to review and/or release a student record, the student involved will receive notification of this action by the colleges as soon as possible.
  4. No person, persons, agency or organization permitted access to student records pursuant to this policy shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student; however, this paragraph shall not be construed as to require prior student consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or organization obtaining access as long as such person(s) have a legitimate educational interest in the information.

#### **D. Record of Access**

1. A log or record shall be maintained of each person, agency, or organization requesting or receiving information from individual student records. Such listing need not include college officials, instructors, or counselors.
2. The log or record shall be open to inspection only by the student and the college official or his/~~her~~her designee responsible for the maintenance of student records, and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in Public Law 93.380, and state educational authorities as a means of auditing the operation of the system.
3. Personal information may be transferred to a third party only on the condition that such party will not permit access by any other party without the written consent of the student. (As an example, information released to agencies for auditing purposes or for improving instruction.) The following statement will accompany student records released under these circumstances:

"All student education records will be destroyed when they are no longer needed for implementation of the study. Student education records may not be released without the written consent of the student."

#### **E. Challenge of Student Records**

1. See ~~Board Policy and~~ Administrative ~~Regulation Procedure 5045~~ Procedure 5045 titled Student Records: Challenging Content and Access Log

#### F. Annual Notice to Students

1. Students of the *San Bernardino Community College* District shall be notified annually of their rights under this ~~policy procedure~~ procedure.
2. Standard college publications may be used to satisfy this annual notice to students.

#### G. Destruction of Records

Nothing in this policy shall prevent the destruction of records per established District ~~policy procedure~~ procedure. (~~See BP/AP 3310 titled Records Retention and Destruction~~)(See BP/AP 3310 titled Records Retention and Destruction)

## References:

Education Code Sections **71091 and** 76200 et seq.;  
Title 5 Sections 54600 et seq.,;  
20 U.S. Code Section 1232g(j) (U.S. Patriot Act);  
Civil Code Section 1798.85;  
ACCJC Accreditation Standard II.C.8

## Attachments:

AP 5040 Student Records, Directory Information, and Privacy - Comments  
AP 5040 Student Records, Directory Information, and Privacy - Legal Citations  
AP5040 -OLD.pdf  
SBCCD - Overview for Legal Update 31 Final Version.docx