

STUDENT SERVICES

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

- Education Code Sections 76200 et seq.;
- Title 5 Sections 54600 et seq.,
- U.S. Patriot Act;
- Civil Code Section 1798.85

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 Governing Board 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. Student employees have access to student records only as necessary in the performance of their jobs. For example, a student employee under the supervision of a regular contract employee has access to student records on the basis of a "need to know."
- A student has access to review his/her own record and, with written permission, may receive a personal transcript or have the transcript sent to another individual or institution. Parents of minors do have access. Parents of non-minor students do not have access, except when written permission is received from the student.

"Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records and Directory Information. Directory information is maintained which includes name, address, telephone number, date of birth, and class schedule information.

1. Student degrees and awards are publicized to recognize scholastic and athletic achievements in the school newspaper, or to the news media.
 2. Lists may be provided to other Palomar College departments or to colleges and universities for the expressed purpose of providing educational opportunities and financial assistance to students (names and addresses only).
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Each student whose record is requested under a subpoena is notified in advance of compliance and will be offered an opportunity to introduce a motion to quash.

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- 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. The institution considers the following to be “legitimate educational interest:”

- Performing a task related to the student's education, related to the student's receipt of financial aid, or to the student's health and safety. For example, an agent of a financial aid funding agency, who is requesting information for determination of program eligibility, may have access to student-record information on the applicant.
- Performing tasks with written consent of the student. For example, a formal committee (e.g., Academic Review Committee) has access to student records in the conduct of its deliberations because the records are germane to rendering a decision by the committee. In this case, permission is granted when the student petitions the committee to act on his/her request.
- Performing current teaching or counseling duties directly affecting the student. For example, a member of the faculty seeking information about a student currently registered in a class taught by that faculty member is construed to have legitimate educational interest and is entitled to access the student's record. The request for information about a student not registered, formerly registered, or registered in another faculty member's class, or who is a relative of the faculty member is not a legitimate educational interest and must have the written consent of the student to access the student's record. A counselor has legitimate educational interest and has implied permission to access a student's record when the student requests counseling or advising services.
- Research approved by the institution: For example, a task force, under the direction of the Superintendent/President, may have access to student records for purposes of research. Under these circumstances, the students' identities will be protected.
- 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 state or federal 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

77 destroyed when no longer needed for that audit, evaluation, and enforcement of
78 federal legal requirements. Persons performing a task that is specified in his or
79 her job description by contract agreement. For example, a contracted District
80 auditor has access to student records in the performance of those duties related
81 to the audit of a program. Likewise, a Department of Finance auditor or auditor
82 from the Chancellor's Office has access to student records to conduct a
83 comprehensive audit of compliance to program regulations.

- 84 • Student records may be released to officials of other public or private schools or
85 school systems, including local, county, or state correctional facilities where
86 education programs are provided, where the student seeks or intends to enroll or
87 is directed to enroll. The release is subject to the conditions in Education Code
88 Section 76225. For example, third-party contractual arrangements between the
89 student and an agency for educational benefits may require transcripts to verify
90 course completion. Military organizations, local fire and police agencies, and
91 private businesses may reimburse the student or the District for enrollment fees.
92 (See the Office of Enrollment Services for details.)
- 93 • Student records may be released to agencies or organizations in connection with
94 a student's application for, or receipt of, financial aid, provided that information
95 permitting the personal identification of those students may be disclosed only as
96 may be necessary for those purposes as to financial aid, to determine the
97 amount of the financial aid, or conditions that will be imposed regarding financial
98 aid, or to enforce the terms or conditions of financial aid. (See the Office of
99 Financial Aid/Veterans/Scholarships Services for details.)
- 100 • Student records may be released to organizations conducting studies for, or on
101 behalf of, accrediting organizations, educational agencies or institutions for the
102 purpose of developing, validating, or administering predictive tests, administering
103 financial aid programs, and improving instruction, if those studies are conducted
104 in such a manner as will not permit the personal identification of students or their
105 parents by persons other than representatives of those organizations and the
106 information will be destroyed when no longer needed for the purpose for which it
107 is conducted. (See the Office of Enrollment Services for details.)
- 108 • Student records may be released to appropriate persons in connection with an
109 emergency if the knowledge of that information is necessary to protect the health
110 or safety of a student or other persons, subject to applicable federal or state law.
- 111 • The following information shall be released to the federal military for the
112 purposes of federal military recruitment: student names, addresses, telephone
113 listings, dates and places of birth, levels of education, degrees received, prior
114 military experience, and/or the most recent previous educational institutions
115 enrolled in by the students.

116 **The District may be required by law to release student records to external parties.**
117 **For example, student records may be requested under the California Public**
118 **Records Act. In these cases, students' identities shall be removed.**

119 **Use of Social Security Numbers**

120 Effective January 1, 2007, the District shall not do any of the following:

- 121 • Publicly post or publicly display an individual's social security number;
- 122 • Print an individual's social security number on a card required to access products
123 or services;
- 124 • Require an individual to transmit his or her social security number over the
125 internet using a connection that is not secured or encrypted;
- 126 • Require an individual to use his or her social security number to access an
127 Internet Web site without also requiring a password or unique personal
128 identification number or other authentication devise; or
- 129 • Print, in whole or in part, an individual's social security number that is visible on
130 any materials that are mailed to the individual, except those materials used for:
131 • Application or enrollment purposes;
132 • To establish, amend, or terminate an account, contract, or policy; or
133 • To confirm the accuracy of the social security number.

134 Regulations and procedures regarding student records are available in the Records
135 Office.

136 Also see AP 5045 titled Student Records: Challenging Content and Access Log

137 Office of Primary Responsibility: Enrollment Services