

STUDENT SERVICES

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

Education Code Sections 66093.3 and 76200et seq.;
Title 5 Sections 54600 et seq. and 59410;
20 U.S. Code Section 1232g(j) (U.S. Patriot Act);
Civil Code Sections 1788.90 et seq. and 1798.85
ACCJC Accreditation Standard II.C.8

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

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 (fees apply). Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript or provide less favorable treatment of a transcript request because a student owes a debt.

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.

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 Office of 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 they do not want the information designated as directory information; and
- That opting out by the noted deadline 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. Students who elect not to provide immigration or citizenship status may impede the College's ability to make a residency determination and may be classified as a "non-resident" for tuition purposes.

The District shall not create a list of student names linked with immigration status.

District police shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or 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.

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 their own record and, with written permission, may receive a personal transcript or have the transcript sent to another individual or institution. Parents of both minor and 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 includes name-and dates of attendance.
 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.
- 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.
- 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 their 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 destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. Persons performing a task that is specified in their job description by contract agreement. For example, a contracted District auditor has access to student records in the performance of those duties related to the audit of a program. Likewise, a Department of Finance auditor or auditor from the Chancellor's Office has access to student records to conduct a comprehensive audit of compliance to program regulations.
- 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. For example, third-party contractual arrangements between the student and an agency for educational benefits may require transcripts to verify course completion. Military organizations, local fire and police agencies, and private businesses may reimburse the student or the District for enrollment fees. (See the Office of Enrollment Services for details.)
- 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. (See the Office of Financial Aid/Veterans/Scholarships Services for details.)
- 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. (See the Office of Enrollment Services for details.)

- 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.
- 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, or the most recent previous educational institutions enrolled in by the students.

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

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 set of guidelines for interactions with immigration authorities seeking to review student records. At minimum, such guidelines shall include the following information:

- Contact information 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 use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the campus Police Department, 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 Police 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.

Use of Social Security Numbers

Effective January 1, 2007, 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 an Internet Web site 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.

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

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

Office of Primary Responsibility: Enrollment Services