

## **AP 5040 Student Records, Directory Information, and Privacy**

Reference:

**Education Code Section 71091 and 76200 et seq.;**  
**Title 5, 54600, et seq.;**  
**20 U.S. Code Section 1232g(i) (U.S. Patriot Act);**  
**Civil Code Section 1798.85;**  
**ACCJC Accreditation Standard II.C.8;**  
**WASC/ACS Criterion 7, Indicator 7.5**

### **1.0 Definitions**

- 1.1 “Student” means any person with respect to whom the District maintains education records or personally identifiable information, but does not include a person who has not been in attendance at the District.
- 1.2 “Student record” means any item of information directly related to an identifiable student, other than directory information, which is maintained by the District or required to be maintained by any employee in the performance of his or her duties, whether recorded by handwriting, print, tapes, film, microfilm, or other means.
- 1.3 “Access” means a personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record.

### **2.0 Access to Student Records**

- 2.1 The District may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. Such consent must be signed and dated by the student.
- 2.2 Access to student records to any person without the written consent of the student shall not be authorized except under the following circumstances:
  - 2.2.1 The District may release directory information regarding any former or current student of the District, provided that no directory information shall be released regarding any student or former student when the student or former student has notified the District that the information shall not be released. To do so, the student or former student must submit the appropriate form to the college Admissions and Records Office, in accordance with college policy, requesting that some or all of the categories of directory information not be released.

Pursuant to Board Policy 5040, the District has designated the following student information as directory information:

- 2.2.1.1 For purposes of general publication, information that may be

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released shall be limited to the student's name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student, and any other information authorized in writing by the student.

- 2.2.1.2 At the discretion of the Chancellor, information may be released to an auxiliary college or District foundation for college-related or District-related activities. Information that may be released for this purpose shall be limited to students' names and addresses. The release of this information shall be conditioned upon the foundation's agreement that student privacy rights under federal and state law will be protected and that the information will not be released to third parties.
- 2.2.2 Student records shall be furnished in compliance with a judicial order or a lawfully issued subpoena. The District 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.
- 2.2.3 Officials and employees of the District may be permitted access to student records when they have a legitimate educational interest to inspect such record.
- 2.2.4 Access to student records may be permitted 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. When the collection of personally identifiable information is specifically authored 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.
- 2.2.5 Access to student records may be permitted 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 subject to the provisions of Education Code 76225.
- 2.2.6 Access to student records may be permitted to agencies or organizations in connection with a student's application for, or receipt of, financial aid,

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provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to determine the eligibility of the student for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.

2.2.7 Access to student records may be permitted to accrediting organizations in order to carry out their accrediting functions.

2.2.8 Access to student records may be permitted 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.

2.2.9 Access to student records may be permitted 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.

2.2.10 The following student information shall be released to federal military recruiters for purposes of military recruitment: student names, addresses, telephone listings, date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student. No student recruiting information shall be released regarding any student when the student has notified the District that this information shall not be released, or when the student has notified the District that directory information regarding the student shall not be released.

3.0 The District may provide, in its discretion, statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best interests of students.

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