



**AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION,
AND PRIVACY**

References:

Education Code Sections 66093.3, 66271.4 and 76200 et seq.;
Title 5 Sections 54600 et seq. and 54910;
Civil Code Sections 1788.90 et seq. and, 1798.85;
120 U.S. Code Section 503
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 students (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 and 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. Subpoena requests shall be submitted to the President's Office.
- 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. Such requests shall be submitted to the Director of Admissions and Records.



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- "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 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. Such requests shall be submitted to the Director of Admissions and Records.
- 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 financial aid purposes, 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. Such requests shall be submitted to the Director of Admissions and Records.

- 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. Such requests shall be submitted to the Director of Admissions and Records.
- 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.
- 11) The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail 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. Such requests shall be submitted to the Director of Admissions and Records.

NOTE: *The following section on “Access to Student Records for Immigration Enforcement Purposes” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Immigration and Citizenship Records

- 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.
- The District shall not create a list of student names linked with immigration status.
- District security department shall not inquire into an individual's immigration status for immigration enforcement purposes.
- District security department 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.
- Student information shall not 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.

Charge for Transcripts

Current and former students shall be entitled to two free copies of the official transcript of their academic records. 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. **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; or use transcript issuance as a tool for debt collection.**



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 device; 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.

Name and Gender Changes to Former Student Records

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal



name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student's chosen name. The District cannot not require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma.

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