

Board Policy and Administrative Procedure Revision Project

Beginning in Fall 2015, the Kern Community College District embarked on a major project to update its board policies and administrative procedures and align them with changes in laws, regulations and accreditation standards.

As board policies are adopted by the board of trustees and administrative procedures are developed, they will be posted on the District's website.



BP 4F9

Office of Educational Services
Admin 2/29/16

Kern Community College District

Board Policy

Chapter 5 – Student Services Section 5 – Academic Senate

Governance Process: Informational Only

Reason for Revision: To Establish/Amend District Policy

4F9 Student Rights and Directory Information

~~4F9 Student Rights and Directory Information – Each College will publish policies and procedures which protect the rights of students, including the right of privacy concerning records and information about each student. (See Procedure 4F9)~~

BP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

Education Code Sections 76200 et seq.;
Title 5 Sections 54600 et seq.;
20 U.S. Code Section 1232g(i);
WASC/ACCJC Accreditation Standard II.C.8

NOTE: The language in red ink is legally required.

The District Chancellor shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The District Chancellor may direct the implementation of appropriate safeguards to assure that student records cannot be accessed or modified by any person not authorized to do so.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the District.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

- Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.
- Degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean's List recognition.

NOTE: This is an extremely limited definition of "directory information." Both state and federal laws permit the Board to adopt a definition of "directory information" that includes any of the following: name, address, telephone number, date and place of birth, major field of study, student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members, degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean's List recognition, dates of attendance, and the most recent public or private school attended by the student. Such an expansive definition of "directory information" is no longer recommended out of concern for both the family privacy and the safety of students. Applicable law does not give the District discretion to use a more expansive definition of directory information on a selective basis, e.g., in order to make such data available to potential vendors.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy reflects updates/revisions from the Policy & Procedure Service in February 2008 and April 2015.

Kern Community College District

Administrative Procedure

Chapter 5 – Student Services Section 5 – Academic Senate

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

References:

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

NOTE: *This procedure is legally required. Local practice may be inserted. Definitions of “student records” are contained in Education Code Section 76210. The following is an illustrative example that meets legal requirements.*

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

Release of Student Records

No instructor, official, employee, or Governing Board member 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 shall complete a records authorization release form]. FERPA release
- “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.”] delete
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. [See BP 3A15]
- 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.] delete

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.]** A.S.R. Director

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.

NOTE: The *red ink* signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This procedure reflects updates/revisions from the Policy & Procedure Service in February 2004, February 2008, March 2012, April 2014, and April 2015.