

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
CC March 29, 2016

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(j);
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.

Admin 11/16/15
Admin 2/29/16
ChC. 3/9/16

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, see attached].**
- “Directory information” may be released in accordance with the definitions in BP 4F9 titled Student Records, Directory Information, and Privacy.
- 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. **[Contact Admissions and Records.]**

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. [\[Contact Admissions and Records.\]](#)

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. [\[Contact Admissions and Records.\]](#)

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. [\[Contact Admissions and Records.\]](#)

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. [\[Contact Admissions and Records.\]](#)

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. [\[Contact Admissions and Records.\]](#)

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 [\[\\$5 \]](#) 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.*

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Kern Community College District

(KCCD)

Student Authorization for Release of Education Records Information

The Family Educational Rights and Privacy Act (FERPA) prohibits a school from disclosing personally identifiable information from students' education records without the consent of a parent or eligible student, unless an exception to FERPA's general consent rule applies. In some emergency situations, schools may only need to disclose properly designated "directory information" on students that provide general contact information. In other scenarios, school officials may believe that a health or safety emergency exists and more specific information on students should be disclosed to appropriate parties. Understanding the options available under FERPA empowers school officials to act quickly and decisively when concerns arise. FERPA is not intended to be an obstacle in addressing emergencies and protecting the safety of students.

FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all educational agencies and institutions that receive funds under any program administered by the Department of Education ("Department"). In this guidance, when we refer to "school districts," "schools," or "postsecondary institutions" we mean "educational agencies and institutions" subject to FERPA. Private schools at the elementary and secondary school levels generally do not receive funds from the Department and are, therefore, not subject to FERPA.

FERPA gives parents certain rights with respect to their children's education records at elementary and secondary schools that are subject to FERPA's requirements. These rights transfer to the student when he or she reaches the age of 18 or attends a postsecondary institution at any age ("eligible student"). Under FERPA, a parent or eligible student must provide a signed and dated written consent before a school discloses personally identifiable information from the student's education records, 34 CFR § 99.30. See 34 CFR § 99.3 for the definition of "personally identifiable information."

Exceptions to the general consent requirement are set forth in § 99.31 of the FERPA regulations. The term "education records" is defined as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution. See 34 CFR § 99.3 for the definition of "education records" and a list of records that are not included in the definition. Accordingly, all records, including immunization and other health records, as well as records on services provided to students under the Individuals with Disabilities Education Act (IDEA) and records on services and accommodations provided to students under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, that are directly related to a student and maintained by a school are "education records" under FERPA.

Directions for Student:

It is your obligation to complete, sign, and present, a separate Student Authorization for Release of Education Records Information form to any KCCD individual who may be called upon to disclose education records about you or your performance (e.g., registrar, financial aid counselor, student accounts/billing director, professor, internship supervisor, or cooperating teacher in a field experience).

Directions for KCCD faculty and staff:

A Student Authorization for Release of Education Records Information form completed and signed by the student, must be in your possession before disclosing education records or discussing the student's performance with someone other than the student or another person as permitted by the law. The Authorization form must indicate the name of the person(s) or organizations/units to which you will disclose the student's information.

Questions regarding FERPA should be directed to the General Counsel's Office at

(661-336-5040)

Kern Community College District

(KCCCD)

Student Authorization for Release of Education Records Information

Name of Student _____

ID#: _____

Date of Birth: _____

Phone: _____

E-mail Address:

Mailing Address:

City/State/Zip:

Student: please complete all four sections below, sign and date and deliver separate forms in-person to each individual or office that will provide the information.

1. Identify the name of the KCCCD person(s)/offices that you are authorizing to disclose records information:

(Student -- you must submit separate forms to each KCCCD person/office you authorize)

2. The following records may be disclosed (check all that apply):

class registration

grades

academic advising

financial aid

tuition/fees

KCCCD employment

Health/Medial Records

other (specify):

3. The records may be disclosed to the following (check all that apply):

individual person (print name):

prospective employer(s)

school official(s) responsible for admission to educational programs

individual(s) responsible for scholarships, grants, etc.

other (Specify):

4. The records may be disclosed for the following reason(s) (explain):

This authorization will remain in effect for one calendar year from the signature date below. The student may request to discontinue the authorization prior to the one year date if s/he files a written request for such with the appropriate office(s) or person(s).

I am willing to allow that a photocopy or fax copy of this form be accepted with the same authority as the original: yes no

Student's Signature and Date