

Student Services

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

3 **References:**

- 4 Education Code, Sections 66093.3 and 76200 et seq.;
- 5 Title 5, Sections 54600 et seq.;
- 6 U.S. Patriot Act;
- 7 Civil Code, Section 1798.85;
- 8 ACCJC Accreditation Standard II.C.8

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

11 **Collection and Retention of Student Information**

12 The District shall treat all students equitably in the receipt of all school services, including,
13 but not limited to, the gathering of student and family information for the institution's
14 benefit programs.

15 The Admissions, Records and Services department shall maintain in writing District
16 policies and procedures for gathering and handling sensitive student information, and
17 appropriate personnel shall receive training regarding those policies and procedures.

18 The District will provide students and families with annual notice, at the beginning of each
19 school year, of institutional policies for student privacy and the abilities of parents or
20 eligible students to inspect student information.

21 The will provide students an opportunity to opt out of disclosure of directory information.
22 Notices must describe the following:

- 23 • The kind of information that the school has identified as directory information;
- 24 • The eligible student's ability to refuse to let the school designate the information
25 as directory information, which could be disclosed to outside entities;
- 26 • The period of time in which the eligible student has to notify the school in writing
27 that he/she does not want the information designated as directory information; and
- 28 • That opting out by the noted deadline is the students' only way to prevent the
29 release of directory information.

30 Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540
31 determinations, or citizenship status information collected by the District or disclosed by
32 the student, should be maintained only for as long as necessary.

33 If the District possesses information that could indicate immigration status or citizenship
34 status, the District shall not consider the acquired information in admissions decisions or
35 access to educational courses or degree programs.

36 Students may elect not to provide immigration or citizenship status information to the
37 institution, and this election shall not impede admissions or enrollment in educational
38 programs.

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

40 District police or security departments shall not inquire into an individual's immigration
41 status for immigration enforcement purposes.

42 District police or security departments shall not aid any effort to create a registry
43 containing individuals' country of birth or based on any other protected characteristics of
44 victims, witnesses, or suspects of crimes unless required by law for specified purposes.

45 Cerritos College shall maintain student records in a manner to ensure the privacy of all
46 such records and shall not, except as otherwise herein authorized, permit any access to
47 or release of information therein.

48 **Release of Student Records**

49 No instructor, official, employee, or member of the Board of Trustees shall authorize
50 access to student records to any person except under the following circumstances:

- 51 • Student records shall be released pursuant to a student's signed and dated written
52 consent.
- 53 • "Directory information" may be released in accordance with the definitions in Board
54 Policy 5040 titled Student Records, Directory Information, and Privacy. There is no
55 requirement to release Directory Information. Requests for Directory Information
56 on a student or group of students should be referred to the Dean of Admissions,
57 Records and Services.
- 58 • Student records shall be released pursuant to a judicial order or a lawfully issued
59 subpoena, following submittal to the Dean of Admissions, Records and Services
60 and review by legal counsel to the District.
- 61 • Student records shall be released pursuant to a federal judicial order that has been
62 issued regarding an investigation or prosecution of an offense concerning an
63 investigation or prosecution of terrorism following submittal to the Dean of
64 Admissions, Records and Services and review by legal counsel to the District.
- 65 • Student records may be released to District officials and employees of the District
66 only when they have a legitimate educational interest to inspect the record.
 - 67 ○ A legitimate educational interest is defined as existing when an authorized
68 College official, acting within the scope and authority of his/her employment or
69 other authorized relationship with the District, has determined that there is a
70 permissible reason to access one or more education records, including but not
71 limited to: academic counseling, student disciplinary processes, college safety
72 and security needs, degree and other academic achievement checks and

73 reviews, College-authorized research, and other such reasons as may be
74 approved by the Dean of Admissions, Records and Services.

- 75 • Authorized District officials must successfully complete the Cerritos College
76 Student Education Records Privacy Protection Protocol
77 (<https://ouc-secure.cerritos.edu/admissions-and-records/secure/ferpa-quiz.htm>)
78 ○ An annual reminder will be sent to the campus
- 79 • Authorized District officials are (1) Student Services, Research and Planning, and
80 other academic managers and assigned staff in their departments; (2) Counselors;
81 (3) full-time Faculty; (4) full-time and selected hourly staff; and, (5) on a case-by-
82 case basis, other agencies or individuals authorized by the Dean of Admissions,
83 Records and Services.

84 Student records may be released to authorized representatives of the Comptroller
85 General of the United States, the Secretary of Education, an administrative head of an
86 education agency, state education officials, or their respective designees or the United
87 States Office of Civil Rights, where that information is necessary to audit or evaluate a
88 state or federally supported educational program or pursuant to state or federal law. Such
89 release may be made following submittal to the Dean of Admissions, Records and
90 Services and review by legal counsel to the District. Exceptions are that when the
91 collection of personally identifiable information is specifically authorized by federal law,
92 any data collected for such purposes shall be protected in a manner that will not permit
93 the personal identification of students or their parents by other than the officials authorized
94 to gather and receive it, and any personally identifiable data shall be destroyed when no
95 longer needed for that audit, evaluation, and enforcement of federal legal requirements.

96 Student records may be released to officials of other public or private schools or school
97 systems, including local, county or state correctional facilities where education programs
98 are provided, where the student seeks or intends to enroll or is directed to enroll. The
99 release is subject to the conditions in Education Code, Section 76225. Such release may
100 be made following submittal to the Dean of Admissions, Records and Services and, when
101 necessary, review by legal counsel to the District.

102 Student records may be released to agencies or organizations in connection with a
103 student's application for, or receipt of, financial aid, provided that information permitting
104 the personal identification of those students may be disclosed only as may be necessary
105 for those purposes as to financial aid, to determine the amount of the financial aid, or
106 conditions that will be imposed regarding financial aid, or to enforce the terms or
107 conditions of financial aid. The Dean of Student Support Services, or designee, is
108 authorized to release such records.

109 Student records may be released to organizations conducting studies for, or on behalf of,
110 accrediting organizations, educational agencies or institutions for the purpose of
111 developing, validating, or administering predictive tests, administering financial aid
112 programs, and improving instruction, if those studies are conducted in such a manner as
113 will not permit the personal identification of students or their parents by persons other
114 than representatives of those organizations and the information will be destroyed when

115 no longer needed for the purpose for which it is conducted. Requests for the release of
116 student records for such purposes shall be submitted to the Director of Research and
117 Planning for review and recommendation to the Executive Council for authorization.

118 Student records may be released to appropriate persons in connection with an
119 emergency if the knowledge of that information is necessary to protect the health or safety
120 of a student or other persons, subject to applicable state or federal law. In time of
121 emergency, various college officials may be in a position to release such information.
122 Whenever possible, without endangering health or safety, such releases should be
123 carried out by the Dean of Admissions, Records and Services.

124 The following information shall be released to the federal military for the purposes of
125 federal military recruitment: student names, addresses, telephone listings, dates and
126 places of birth, levels of education, major(s), degrees received, prior military experience,
127 and/or the most recent previous educational institutions enrolled in by the students. Such
128 release may be made following submittal of an authorized request to the Dean of
129 Admissions, Records and Services and, when necessary, review by legal counsel to the
130 District.

131 **Access to Student Records for Immigration Enforcement Purposes**

132 The District must obtain a student's written consent before disclosing educational records,
133 unless the information is relevant for a legitimate educational interest or includes directory
134 information only. Neither exception permits disclosing information for immigration
135 enforcement purposes; no student information shall be disclosed for immigration
136 enforcement purposes without a court order or judicial warrant. Without a court order or
137 a judicial warrant, written consent must be signed and dated by the student, or (if the
138 student is a minor) by the student's parent(s) or guardian(s), before disclosure of the
139 information, and must specify the records that may be disclosed, the purpose of the
140 disclosure, and the party or class of parties to whom the disclosure may be made.

141 If desired by the student, the District must provide a copy of the records to be released.
142 The party to whom the information is disclosed may not re-disclose the information to any
143 other party without the prior consent of the student or subsequent court order.

144 District personnel shall develop a written policy for interactions with immigration
145 authorities seeking to review student records. At minimum, such policies shall include
146 the following information:

- 147 • Contact information for the Vice President of Student Services as the correct
148 person to review and respond to a request for student records.
- 149 • Access to sample warrant and subpoena documents that could be used for access
150 onto campus property, or to seize or arrest students or other individuals on
151 campus.

152 In addition to notifying the Vice President of Student Services, District personnel shall
153 take the following action steps in response to an officer other than campus police
154 requesting access to student records:

- 155 1. Ask for the officer's name, identification number, and agency affiliation;
156 2. Record or copy this information;
157 3. Ask for a copy of any warrants;
158 4. Inform the officer that you are not obstructing his/her efforts but that you need to
159 contact a campus administrator or campus counsel for assistance.

160 Campus Police shall not provide personal information about an individual for immigration
161 enforcement purposes, unless that information is publicly available, or required by a court
162 order or judicial warrant. "Personal information" is defined as any information that
163 identifies or describes an individual, and includes but is not limited to, a student's physical
164 description, home or work address, telephone number, education, financial matters,
165 medical or employment history, and statements made by, or attributed to, the individual.
166 This restriction does not apply to information regarding the immigration or citizenship
167 status of an individual.

168 Unless the District is served with a judicial subpoena or court order that by its terms
169 prohibits disclosure to the student, the student must be notified of any judicial order or
170 subpoena before the institution complies with the order in accordance with FERPA.

171 **Charge for Transcripts or Verifications of Student Records**

172 A student/former student shall be entitled to two free copies of the transcript of his/her
173 record and two free verifications of various student records. Additional copies shall be
174 made available to the student, or to an addressee designated by him/her, at the
175 established rate per copy. Students may request special processing of a transcript.

176 **Electronic Transcripts**

177 The District may elect to implement a process for the receipt and transmission of
178 electronic student transcripts.

179 **Use of Social Security Numbers**

180 The District shall not do any of the following:

- 181 • Publicly post or publicly display an individual's social security number;
- 182 • Print an individual's social security number on a card required to access products
183 or services;
- 184 • Require an individual to transmit his or her social security number over the internet
185 using a connection that is not secured or encrypted;
- 186 • Require an individual to use his or her social security number to access an Internet
187 website without also requiring a password or unique personal identification number
188 or other authentication device; or
- 189 • Print, in whole or in part, an individual's social security number that is visible on
190 any materials that are mailed to the individual, except those materials used for:
 - 191 ○ Application or enrollment purposes;
 - 192 ○ To establish, amend, or terminate an account, contract, or policy; or
 - 193 ○ To confirm the accuracy of the social security number.

194 If the District has, prior to January 1, 2004, used an individual's social security number in
195 a manner inconsistent with the above restrictions, it may continue using that individual's
196 social security number in that same manner only if:

- 197 • The use of the social security number is continuous;
- 198 • The individual is provided an annual disclosure that informs the individual that he
199 or she has the right to stop the use of his or her social security number in a manner
200 otherwise prohibited;
- 201 • The District agrees to stop the use of an individual's social security number in a
202 manner otherwise prohibited upon a written request by that individual;
- 203 • No fee shall be charged for implementing this request; and the District shall not
204 deny services to an individual for making such a request.

205 Office of Primary Responsibility: Vice President, Student Services

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February 11, 2019**

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