

Student Services

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

3 References:

4 Education Code, Sections 66093.3, 66271.4 et seq., and 76200 et seq.;
5 Title 5, Sections 59410 and 54600 et seq.;
6 10 U.S. Code Section 503;
7 20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
8 Civil Code, Section 1788.90 et seq. and 1798.85;
9 ACCJC Accreditation Standard 2

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

12 Collection and Retention of Student Information

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

16 The Enrollment Services Division shall maintain in writing District policies and procedures
17 for gathering and handling sensitive student information, and appropriate personnel shall
18 receive training regarding those policies and procedures.

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

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

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

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

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

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

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

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

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

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

50 **Release of Student Records**

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

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

74 processes, college safety and security needs, degree and other academic
75 achievement checks and reviews, College-authorized research, and other such
76 reasons as may be approved by the Dean of Enrollment Services.

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

86 Students may request to inspect and review his/her/their student records. The District will
87 grant a request to inspect and review student records during regular school hours no later
88 than 15 working days following the date of the request.

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

102 Student records may be released to officials of other public or private schools or school
103 systems, including local, county, or state correctional facilities where education programs
104 are provided, where the student seeks or intends to enroll or is directed to enroll. The
105 release is subject to the conditions in Education Code, Section 76225. Such release may
106 be made following submittal to the Dean of Enrollment Services and, when necessary,
107 review by legal counsel to the District.

108 Student records may be released to agencies or organizations in connection with a
109 student's application for, or receipt of, financial aid, provided that information permitting
110 the personal identification of those students may be disclosed only as may be necessary
111 for those purposes as to financial aid, to determine the amount of the financial aid, or
112 conditions that will be imposed regarding financial aid, or to enforce the terms or
113 conditions of financial aid. The Dean of Enrollment Services, or designee, is authorized
114 to release such records.

115 Student records may be released to organizations conducting studies for, or on behalf of,
116 accrediting organizations, educational agencies, or institutions for the purpose of
117 developing, validating, or administering predictive tests, administering financial aid
118 programs, and improving instruction, if those studies are conducted in such a manner as
119 will not permit the personal identification of students or their parents by persons other
120 than representatives of those organizations and the information will be destroyed when
121 no longer needed for the purpose for which it is conducted. Requests for the release of
122 student records for such purposes shall be submitted to the Dean, Institutional
123 Effectiveness, Research, Planning, & Grants and the Executive Council for authorization.

124 Student records may be released to appropriate persons in connection with an
125 emergency if the knowledge of that information is necessary to protect the health or safety
126 of a student or other persons, subject to applicable state or federal law. In time of
127 emergency, various college officials may be in a position to release such information.
128 Whenever possible, without endangering health or safety, such releases should be
129 carried out by the Dean of Enrollment Services.

130 The following information shall be released to the federal military for the purposes of
131 federal military recruitment: student names, addresses, electronic mail addresses,
132 telephone listings, dates and places of birth, levels of education, major(s), degrees
133 received, prior military experience, and/or the most recent previous educational
134 institutions enrolled in by the students. Such release may be made following submittal of
135 an authorized request to the Dean of Enrollment Services and, when necessary, review
136 by legal counsel to the District.

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

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

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

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

153 • Contact information for the Vice President of Student Services as the correct
154 person to review and respond to a request for student records.

155 • Access to sample warrant and subpoena documents that could be used for access
156 onto campus property, or to seize or arrest students or other individuals on
157 campus.
158 • District personnel shall provide a set of responses for personnel to use in response
159 to officers seeking access to records for immigration enforcement purposes.

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

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

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

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

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

180 A student/former student shall be entitled to two free copies of the transcript of
181 his/her/their record and two free verifications of various student records. Additional copies
182 shall be made available to the student, or to an addressee designated by him/her/them,
183 at the established rate per copy. Students may request special processing of a transcript.
184 The District will not refuse to provide a transcript for a current or former student on the
185 grounds that the student owes a debt; condition the provision of a transcript on the
186 payment of a debt, other than a fee charged to provide the transcript; charge a higher fee
187 for obtaining a transcript, or provide less favorable treatment of a transcript request
188 because a student owes a debt; or use transcript issuance as a tool for debt collection.

189 **Electronic Transcripts**

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

192 **Use of Social Security Numbers**

193 The District shall not do any of the following:

- 194 • 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/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet website without also requiring a password or unique personal identification number or other authentication device; 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/they has the right to stop the use of his/her/their 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.

Name, Gender Identity, and Gender Changes to Student Records

Current students can declare an affirmed name, gender identity, or both to be used in their records where legal names are not required by law. Upon the request of a current student, the District shall update any records for the student to include the affirmed name, gender identity, or both. The records that shall be updated include but are not limited to District-issued email, addresses, student identification cards, class rosters, unofficial and official transcripts, diplomas, certificates of completion of courses, or similar 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 diploma conferred by the institution.

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

236 The District may use a student's gender or legal name as indicated in a government-
237 issued identification document only if it is necessary to meet a legally mandated
238 obligation, but otherwise shall identify the student in accordance with the student's gender
239 identity and affirmed name.

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

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

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

249 The District cannot require a current student to provide legal documentation to
250 demonstrate a legal name or gender change in order to have the student's affirmed name
251 listed on the student's records.

252 Office of Primary Responsibility: Vice President, Student Services

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