

AP 5040 Student Records Directory Information, and Privacy

Reference:

Education Code Section 76200 et seq.;
Title V, 54600 et seq.
U.S. Code Section 1232(j) (U.S. Patriot Act);
Civil Code Section 1798.85
ACCJC Accreditation Standard II.C.8

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.
- "Directory information" may be released in accordance with the definitions in Board Policy 5040.
- Requests must be submitted in writing to the Director of Admissions and Records/Registrar. Unless otherwise instructed in writing by the student, the directory information consists of:
 - Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
 - 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 or terrorism.
 - Name of student
 - Dates of attendance at Gavilan College
 - Date of graduation and degree or certificate awarded
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. All request of this nature must be presented to the District's Registrar for verification and action.
- When the District is served with a subpoena commanding the production of certain educational records, the Family Educational Rights and Privacy Act (FERPA) requires that the District make a reasonable effort to notify the student whose educational records are the subject of the subpoena or judicial order. Thereafter, it is the student's responsibility to seek a protective order or other legal relief if the student opposes the release of his/her records. Further, while FERPA provides no specific time frame for responding to a subpoena after notice is given to a student, it is reasonable to inform a student that if the District does not receive a court order directing it to do otherwise; it will comply with the subpoena after seven business days.
- 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. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.
- 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. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.

- 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 76225. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.
- 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. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.
- 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. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.
- 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. Requests must be submitted in writing to the Director of Admissions and Records/Registrar.
- 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, 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. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate indicated on the Gavilan College website under "Transcripts".

Electronic Transcripts

The District has elected to implement a process for the receipt and transmission of electronic student transcripts.

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 or her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his or her social security number to access an Internet Web site 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 or she has the right to stop the use of his or 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.