

AR 5040.1 Compliance with the Family Educational Rights and Privacy Act (FERPA)
(Section in black ink from current AR 4135)

NOTE: *This procedure is **legally required (red ink)**. 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.*

NOTE: *The following section on “Collection and Retention of Student Information” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

Collection and Retention of Student Information

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

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

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

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

Campus police shall not aid any effort to create a registry containing individuals’ country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Compliance with FERPA

This regulation implements the federal Family Educational Rights and Privacy Act of 1974 (FERPA) and State law.

A. Student Privacy Rights

Current and former students have the following rights regarding their student education records:

1. The right to be informed about their education records.
2. The right to inspect their education records.
3. The right to request **amendment** to their education records.
4. The right to have a formal hearing if the request for **amendment** is denied.
5. The right to prevent unauthorized disclosure of any or all of the information in their education records, subject to specific exceptions identified in FERPA and State law.
6. The right to lodge a complaint to the U.S. Department of Education about a violation of FERPA regarding their education record.
7. The right to waive these rights in writing, including the right to give written authorization to a third party to obtain a copy of their education records.

B. Definitions

For the purposes of this policy, Santa Monica Community College District (hereinafter "Santa Monica College" "District" or "College") has used the following definitions of terms:

1. "*Student*" means any person who attends or has attended Santa Monica College. The word "attend" includes, but is not limited to, attendance in person **or online-remote** by ~~paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom.~~

2. "*Record*" means any information recorded in any way, including, but not limited to, hand writing, print, computer media, video or audio tape, film, microfilm, and microfiche.

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3. "*Education records*" means any record maintained by Santa Monica College or an agent of the College which contains personally identifiable information related to a student. The following are not education records:

- i. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- ii. Records relating to an individual who is employed by an educational agency or institution, that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other purpose. Records relating to an individual in attendance at Santa Monica College who is employed as a result of ~~his or her~~ **their** status as a student are education records and not excepted under paragraph of this definition.
- iii. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in ~~his or her~~ **their** professional capacity or assisting in a paraprofessional capacity which are made, maintained, or used only in connection with treatment of the student and disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution;
- iv. Records maintained by Santa Monica College if (a) the records are maintained solely for law enforcement purposes, (b) are revealed only to law enforcement agencies of the same jurisdiction, and (c) the office holding these records does not have access to education records maintained by the College.
- v. Alumni records which contain information about a student after they are ~~he or she is~~ no longer in attendance at the College and which do not relate to the person as a student.
- vi. Grades on peer-graded papers before they are collected and recorded by a teacher.

4. *“School Official”* means:

- i. A person employed by the District in an administrative, supervisory, academic, research or support staff position.
- ii. A person elected to the Board of Trustees.
- iii. A person such as an attorney or auditor employed by or under contract to the District to perform a special task.

5. *“Legitimate education interest”* means an official need to review or access a student education record by an official or employee of the College in order to fulfill a professional responsibility; to perform appropriate tasks that are specified in ~~his or her~~ **their** position description or by a contractual agreement; to perform a task related to the student's education; to perform a task related to the discipline of a student; or to provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

School officials who use student education record information to serve their own personal needs or for purposes which are not related to their job responsibilities do not have a legitimate education interest in the information being used.

6. *“Personally identifiable information”* includes, but is not limited to--

- i. the student's name;
- ii. the name of the student's parent or other family members;
- iii. the address of the student or student's family;
- iv. a personal identifier, such as the **student's social security number**, student number, or biometric record;
- v. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- vi. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty;
- vii. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates; or
- viii. email address.

C. Annual Notification

Students will be notified of their rights **to inspect student information** under FERPA and State law annually by publication in the Santa Monica College Catalog. The catalog is available on the College's website.

D. Procedure to Inspect Educational Records

1. Students may inspect and review their education records upon request to the

appropriate record custodian. Students should submit to the record custodian or an appropriate College staff person a written request which identifies as precisely as possible the record or records they ~~he or she~~ wish to inspect. (Forms for this request are available in the Admissions and Records Office.)

2. The record custodian or an appropriate College staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 15 work days or less from the receipt of the request. [Note: FERPA requires that access be provided within 45 days; however, state law requires that access be provided within 15 days.]
3. When a record contains information about more than one student, the student may inspect and review only the records which relate to ~~him or her~~ them.

E. Right to Refuse Access

Santa Monica College reserves the right to refuse to permit a student to inspect the following records:

1. The financial state of the student's parents.
2. Records connected with an application to attend Santa Monica College if the application was denied?
3. Those records which are excluded from the FERPA definition of education records. The records will be made available if required by Federal or State law. What are examples?

~~F. Refusal to Provide Copies~~

~~Santa Monica College reserves the right to deny copies of records not required to be made available by the FERPA or State law in any of the following situations:~~

- ~~1. The student has an unpaid financial obligation to the College.~~
- ~~2. There is an unresolved disciplinary action against the student.~~

F. Fee for Copies of Records

The fee for copies will be \$0.20 per page.

~~The fees charged to students for transcripts are:~~

- ~~1. \$5 for an official transcript, with the first two free for currently enrolled students~~
- ~~2. \$10 service charge in addition to the transcript fee for a "Rush" transcript.~~
- ~~3. A student may obtain an unofficial copy of his/her transcript at no charge from the SMG Website.~~

G. Disclosure and Release of Education Records

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:

Santa Monica College will disclose information from a student's education records only with the written consent of the student. Students must file their request at the Admissions and Records Office or to custodian of records requested.

- Student records shall be released pursuant to a student's written consent.

[**Insert local procedure on obtaining consent or student request**].

except as set forth below. The College may disclose information without student consent as follows:

1. To officials and employees of Santa Monica College, if only when that person has a legitimate educational interest to inspect a record. [**Insert local procedure on release of records to District officials and employees.**]
2. To authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education and Welfare, 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 education program or pursuant to a federal or state law, ~~except~~ **Exceptions that are** 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.**]
3. ~~Not in League regulation~~
4. To officials of other public or private schools or school systems, including local, county, or state correctional facilities where educational programs are provided, where the student seeks or intends to enroll, or is directed to enroll. The release is subject to the conditions in Ed Code Section 76225. [**Insert local procedures or who is responsible for providing such information and defining procedure.**]
5. 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 determine the eligibility of the student for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid. [**Insert local procedures or who is responsible for providing such information and defining procedure.**]
- ~~6. To accrediting organizations in order to carry out their accrediting functions.~~
6. 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.**]

7. 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, ~~or subject to any regulations issued by the Secretary of Health, Education, and Welfare applicable federal or state law.~~ [**Insert local procedures or who is responsible for providing such information and defining procedure.**]
8. In compliance with a federal court order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
9. In compliance with a court order or a lawfully issued subpoena. The College shall make a reasonable effort to notify the student in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order. This notification shall take place using a standard form approved by the FERPA Compliance Officer or designee.

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

[**Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena**]

10. To the alleged victim of any sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat or assault, or any conduct that threatens the health and safety of the alleged victim, which is the basis of any disciplinary action taken by a community college, shall be permitted access to that information. Access to student record information shall be in the form of notice of the results of any disciplinary action by the community college and the results of any appeal, which shall be provided to the alleged victim within three days following that disciplinary action or appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

NOTE: The following section on “Access to Student Records for Immigration Enforcement Purposes” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).

H. Access to Student Records for Immigration Enforcement Purposes

1. The District must obtain a student’s written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information

for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

2. If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.
3. District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information: AR 5017 has some but not all of this info
 - Contact information [**name, title, e-mail addresses, and phone numbers**] for the correct person to review and respond to a request for student records.
 - Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest student(s) or other individual(s) on campus.
 - District personnel shall provide a set of responses for [**building personnel**] to use in response to officers seeking access to records for immigration enforcement purposes.
4. In addition to notifying the [**designated campus official**], District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:
 - a. Ask for the officer's name, identification number, and agency affiliation;
 - b. Record or copy this information;
 - c. Ask for a copy of any warrants;
 - d. Inform the officer that you are not obstructing their efforts but that you need to contact campus counsel or a campus administrator for assistance.
5. Campus Police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

I. Record of Requests for Disclosure

Santa Monica College will maintain a record of all requests for and/or disclosure of information from a student's education records for the appropriate record retention period. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the eligible student.

Personal information may be transferred to a third party only on the condition that such party will not permit access by any other party without the written consent of the student. (As an example, information released to agencies for auditing purposes or for improving instruction.) In such cases, Santa Monica College will issue the following statement to accompany records released: "All student education records will be destroyed when they are no longer needed for implementation of the study.

Student education records may not be released without the written consent of the student."

[Santa Monica College complies with Solomon Amendment Act \(10 USC § 983\) requests from the U.S. Armed Forces.](#)

J. Directory Information

NOTE: *This policy is legally required. From Template*

The [**CEO**] shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

The [**CEO**] 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/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

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Santa Monica College designated the following items as Directory Information:

- Student name
- City of Residence ?
- Age
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height and high school of members of athletic teams
- Dates of attendance
- Degrees and awards received and most recent previous school attended
- Student's photograph

. Students may opt out of releasing directory information by going to their student portal at any time.

~~1. Do NOT permit SMC to release Directory Information to anyone.~~

~~2. Do NOT permit SMC to release to the Military.~~

K. Subpoenas/Court Orders

Each office that routinely receives lawfully issued subpoenas or Court Orders for student records shall have a written policy on compliance with subpoenas or Court Orders per Title 5, Sections 76243-76245. The written policy shall be approved by the FERPA Compliance Officer. Any out of the ordinary subpoenas for student records shall be referred to Campus Counsel for review prior to release of the records.

L. Deceased Students

The privacy rights of an individual expire with that individual's death. Records held by an institution for a deceased person do not raise a FERPA issue but are a matter of institutional policy. The College will exercise its own discretion in deciding whether, and under what conditions, information should be disclosed to survivors or third parties.

M. Training for Employees

All faculty and staff, as well as any other agents of the college who request access to

student academic records, must complete the FERPA tutorial and submit a signed acknowledgment form. Access to student records, including the academic records database, will be denied until the tutorial has been completed and the form submitted. The tutorial is intended to insure that anyone accessing student records understands the obligations under FERPA for proper use and protection of student records. All questions in the tutorial are supported by information found on the College's FERPA website. This requirement shall become effective on July 1, 2010, to allow faculty, staff, and other agents of the college a reasonable time to complete the FERPA tutorial. The training shall include answers to common questions concerning FERPA compliance issues, including, but not limited to, issues related to (a) use of student email addresses, (b) distance education classes; (c) online discussion groups; (d) rights of parents, if any, when student is a minor; and (e) procedures and forms for responding to requests for records.

N. Compliance Officer

The [Associate](#) Dean of Enrollment Services or [designee](#) is designated as the FERPA Compliance Officer.

References:

[Education Code Sections 66093.3, 71091, 76210, 76230, 76240-76246 and 76200 et seq.;](#)
[Title 5 Sections 59020-59026, 59118, 54600 et seq.;](#)
[Federal Law @ 34 C.F.R. Section 99.3](#)
[Title 20 of the U.S. Code Section 1232 g\(j\) \(U.S. Patriot Act\);](#)
[Civil Code Section 1798.85; 1788.90 et seq.](#)

Revised: 1/12/10; 5/13/20, 11-1-23

Education Code § 71091.

(a) It is the intent of the Legislature that students enrolling in the California Community Colleges system who desire to apply to and enroll in another segment or in another community college, or have previously enrolled in another segment, have their educational records transferred electronically using transmission systems and protocols that satisfy all of the following criteria:

- (1) Are secure, are not susceptible to fraud, and protect student privacy in a manner that complies with federal and state privacy laws, including, but not limited to, the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g).
- (2) Permit expeditious review of student transcripts for purposes of admissions, academic assessment, and placement.
- (3) Reduce operational costs, such as postage, key data entry and manual uploading and downloading of student records, printing, paper, and other materials.
- (4) Minimize delays in the transmission of student transcripts to accelerate and enhance student transfer.
- (5) Permit for other technological infrastructure, such as online student planners, student electronic portfolios, and other electronic student services, to be compatible with this system.
- (6) Conform to national standards and protocols for electronic transcript transmission.
- (7) Have the capability of receiving and sending student educational records electronically with current and future electronic transcript systems developed and operated by other community

college districts, the State Department of Education, the California State University, and the University of California.

(b) By January 1, 2012, the Office of the Chancellor of the California Community Colleges shall implement a procedure that complies with subdivision (a) to facilitate the electronic receipt and transmission of student transcripts by community college districts.

(c) Contingent upon the Office of the Chancellor's receipt of new, one-time state, federal, or philanthropic funding sufficient for this purpose, and, as a condition for receiving funding under this section, a community college district shall implement a process for the receipt and transmission of electronic student transcripts that complies with subdivisions (a) and (b).

(d) (1) The Office of the Chancellor shall determine the requirements and procedures for dispersing funds received pursuant to subdivision (c) to participating community college districts.

(2) The Office of the Chancellor shall report to the appropriate policy and fiscal committees of the Legislature, a year after funds are dispersed pursuant to this section, the community colleges that have adopted electronic transcripts and the remaining community colleges that have yet to adopt the electronic transcript delivery system.

(e) Any community college district that elects to implement a process for the receipt and transmission of electronic student transcripts pursuant to subdivision (c) may later opt out of the provisions of this section in any subsequent year.

(f) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

Education Code § 76210

As used in this chapter, the following definitions shall apply:

(a) (1) "Student record" means any item of information directly related to an identifiable student, other than directory information, **which is maintained by a community college or required to be maintained by any employee** in the performance of his or her duties, whether recorded by handwriting, print, tapes, film, microfilm or other means.

(2) "Student record" does not include (A) confidential letters and statements of recommendations maintained by a community college on or before January 1, 1975, if these letters or statements are not used for purposes other than those for which they were specifically intended, (B) information provided by a student's parents relating to applications for financial aid or scholarships, or (C) information related to a student compiled by a community college officer or employee that remains in the sole possession of the maker and is not accessible or revealed to any other person except a substitute. For purposes of this paragraph, "substitute" means a person who performs, on a temporary basis, the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

(3) "Student record" also does not include information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and that is created, maintained, or used only in connection with the provision of treatment to the student and is not available to anyone other than persons providing that treatment. However, that record may be personally reviewed by a physician or other appropriate professional of the student's choice.

(4) "Student record" does not include information maintained by a community college law enforcement unit, if the personnel of the unit do not have access to student records

pursuant to Section 76243, the information maintained by the unit is kept apart from information maintained pursuant to subdivision (a), the information is maintained solely for law enforcement purposes, and the information is not made available to persons other than law enforcement officials of the same jurisdiction. "Student record" does not include information maintained in the normal course of business pertaining to persons who are employed by a community college, if the information relates exclusively to the person in that person's capacity as an employee and is not available for use for any other purpose.

(b) "Directory information" means one or more of the following items: a student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student, and any other information authorized in writing by the student.

(c) "Access" means a personal inspection and review of a record or an accurate copy of a record, or an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.

Education Code § 76243

(a) A community college or community college district is not authorized to permit access to student records to any person without the written consent of the student or unless pursuant to judicial order, except that access may be permitted to the following:

(1) Officials and employees of the community college, if they have a legitimate educational interest to inspect a record.

(2) Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, 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 education program or pursuant to a federal or state law, except 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.

(3) Other state and local officials or authorities to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.

(4) Officials of other public or private schools or school systems, including local, county, or state correctional facilities where educational programs are provided, where the student seeks or intends to enroll, or is directed to enroll, subject to the rights of students as provided in Section 76225.

(5) Agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of students may be disclosed only as may be necessary for those purposes as to determine the eligibility of the student for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(6) Accrediting organizations in order to carry out their accrediting functions.

(7) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student 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.

(8) (A) 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, or subject to any regulations issued by the Secretary of Health, Education, and Welfare.

(B) A person, persons, agency, or organization permitted access to student records pursuant to this section shall not permit access to any information obtained from those records by any other person, persons, agency, or organization, except to the extent permitted under the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and state law, without the written consent of the student, provided that this subparagraph shall not require prior student consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or organization obtaining access, so long as those persons have a legitimate educational interest in the information.

(b) The alleged victim of any sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat or assault, or any conduct that threatens the health and safety of the alleged victim, which is the basis of any disciplinary action taken by a community college, shall be permitted access to that information. For the purposes of this subdivision, access to student record information shall be in the form of notice of the results of any disciplinary action by the community college and the results of any appeal, which shall be provided to the alleged victim within three days following that disciplinary action or appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Education Code §76244

Information concerning a student shall be furnished in compliance with a court order or a lawfully issued subpoena. The community college district shall make a reasonable effort to notify the student in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.

Education Code § 76241

Nothing in this chapter shall preclude a community college from providing, in its discretion, statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of students.

Education Code § 76242

A community college district may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the student is prohibited. The consent notice shall be permanently kept with the record file.

Education Code §76243

(a) A community college or community college district is not authorized to permit access to student records to any person without the written consent of the student or under judicial order except that access may be permitted to the following:

(1) Officials and employees of the community college, if that person has a legitimate educational interest to inspect a record.

(2) Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, 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 education program or pursuant to a federal or state law, except 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.

(3) Other state and local officials or authorities to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.

(4) Officials of other public or private schools or school systems, including local, county, or state correctional facilities where educational programs are provided, where the student seeks or intends to enroll, or is directed to enroll, subject to the rights of students as provided in Section 76225.

(5) Agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of students may be disclosed only as may be necessary for those purposes as to determine the eligibility of the student for financial aid, to determine the amount of the financial aid, to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(6) Accrediting organizations in order to carry out their accrediting functions.

(7) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student 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.

(8) 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, or subject to any regulations issued by the Secretary of Health, Education, and Welfare.

No person, persons, agency or organization permitted access to student records pursuant to this section shall permit access to any information obtained from those records by any other person, persons, agency or organization without the written consent of the student, provided that this paragraph shall not require prior student consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or

organization obtaining access, so long as those persons have a legitimate educational interest in the information.

(b)The alleged victim of any sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat or assault, or any conduct that threatens the health and safety of the alleged victim, which is the basis of any disciplinary action taken by a community college, shall be permitted access to that information. For the purposes of this subdivision, access to student record information shall be in the form of notice of the results of any disciplinary action by the community college and the results of any appeal, which shall be provided to the alleged victim within three days following that disciplinary action or appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Education Code §76245

The service of a lawfully issued subpoena or a court order upon a community college employee solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by that employee, in lieu of the personal appearance as a witness in the proceeding, by submitting to the court, or other agency or person designated in the subpoena, at the time and place required by the subpoena or court order, a copy of that record, accompanied by an affidavit certifying that the copy is a true copy of the original record on file in the community college or community college office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.

Education Code 76230

Any currently enrolled or former student has a right to access to any and all student records relating to him maintained by community colleges. The editing or withholding of any such records, except as provided for in this chapter, is prohibited.

Each community college district shall adopt procedures for the granting of requests by students to inspect and review records during regular school hours, provided that access shall be granted no later than 15 working days following the date of the request. Procedures shall include notification of the location of all official student records if not centrally located and the providing of qualified personnel to interpret records where appropriate.

Education Code 66093.3

The Trustees of the California State University, the governing board of each community college district in the state, and each independent institution of higher education that is a qualifying institution as defined in subdivision (l) of Section 69432.7, shall, and the Regents of the University of California are requested to, do all of the following to the fullest extent consistent with state and federal law:

(a) Refrain from disclosing personal information about students, faculty, and staff except:
(1) with the consent of the person identified, or if the person is under 18 years of age, with the consent of the parent or guardian of the person identified; (2) as may legally be disclosed under state and federal privacy laws; (3) for the programmatic purpose for which the information was obtained; (4) as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or (5) in response to a judicial warrant, court order, or subpoena.

- (b) Advise all students, faculty, and staff to notify the office of the chancellor or president, or his or her designee, as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.
- (c) If there is reason to suspect that a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, the college or university, as soon as possible, shall notify the person's emergency contact that the person has been taken into custody.
- (d) Comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant. This subdivision shall not apply to an immigration officer's request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other nonenforcement activities.
- (e) Advise all students, faculty, and staff responding to or having contact with a an immigration officer executing a federal immigration order, to refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.
- (f) Designate a staff person to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is permitted by state and federal education privacy law, faculty and staff persons shall be prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that personal information to anyone. Nothing in this subdivision shall be construed to require a college or university to hire staff to fulfill the requirements of this subdivision.
- (g) Maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the organization's name and contact number, email address, and office address.
- (h)** Adopt and implement, by March 1, 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to the California Values Act (Chapter 17.25 (commencing with Section 7284) of Division 7 of Title 1 of the Government Code), limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.
- (i) (1) Post on its Internet Web site in a conspicuous location, and provide via email quarterly or each semester to all students, faculty, and staff:
- (A) A copy of the policy adopted pursuant to subdivision (h).
- (B) Guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.
- (2) Update the information posted on its Internet Web site pursuant to paragraph (1) as often as is necessary to reflect any changes to federal and state immigration laws and university or college policies and procedures.
- (j) In the event that an undocumented student is subject to a federal immigration order, ensure that both of the following occur:
- (1) In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits he or she has been awarded or received, and permit the student to be reenrolled if and when the student is able to return to the college or university. It is the intent of the Legislature that, in implementing this paragraph, California colleges and universities make

reasonable and good-faith efforts to provide for a seamless transition in a student's reenrollment and reacquisition of campus services and supports.

(2) That staff is available to assist, in a sensitive manner, undocumented students, and other students, faculty, and staff who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions.

(k) For purposes of this article, "immigration officer" means any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

§ 59020. Definition of Records.

(a) For purposes of this subchapter, "records" means all records, maps, books, papers, data processing output, and electronic documents that a Community College district is required by law to prepare or retain by law or official duty. "Records" includes "student records" as defined in section 76210 of the Education Code.

(b) The following documents are not "records" and may be destroyed at any time:

(1) Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)

(2) Correspondence between district employees that does not pertain to personnel matters or constitute a student record.

(3) Advertisements and other sales material received.

(4) Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines.

§ 54604. Policy.

Community college districts may establish and maintain only such information on students relevant to admission, registration, academic history, career, student benefits or services, extracurricular activities, counseling and guidance, discipline or matters relating to student conduct, and shall establish and maintain such information required by law.

§ 54610. Student Access.

Community college districts shall provide access to student records pursuant to Education Code sections 76210(c) and 76230, provided that if any material or document in the student record includes information on more than one student, the rights provided in section 76230 shall only extend to such information as pertains to the student. Each student shall be permitted to select the means of access to his or her own student records.

§ 54612. Waiver.

A student may waive his or her right of access to student records concerning recommendations as provided in Education Code section 76231. Such waivers shall be in writing and signed by the student.

§ 54616. Consent.

A community college district may, when the student has provided consent, permit access to the student's records pursuant to Education Code section 76242. Such consent must be signed and dated by the student.

§ 54626. Directory Information.

(a) Community college districts shall adopt a policy identifying any of the categories of directory information which may be released under Education Code section 76210 or allowed under federal law at 34 C.F.R. section 99.3.

(b) Directory information, as established by the local governing board, may be released provided that public notice is given at least annually in accordance with Education Code section 76240. Such notice shall also specify the period of time within which the student must inform the district in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

(c) Any district may, in its discretion, limit or deny the release of specific categories of directory information based upon a determination of the best interests of students.

§ 51012. Student Fees.

The governing board of a community college district may only establish such mandatory student fees as it is expressly authorized to establish by law.

§ 59022. Classification of Records.

(a) The governing board of each Community College district shall establish an annual procedure by which the chief executive officer, or other designee shall review documents and papers received or produced during the prior academic year and classify them as Class 1-Permanent, Class 2-Optional, or Class 3-Disposable.

(b) All records not classified prior to July 1, 1976, are subject to the same review and classification as in (a). If such records are three or more years old and classified as Class 3-Disposable, they may be destroyed without further delay, but in accordance with article 3.

(c) Records originating during a current academic year shall not be classified during that year.

(d) Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased.

(e) Whenever an original Class 1-Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, the copy thus made is hereby classified as Class 1-Permanent. The original record, unless classified as Class 2-Optional, may be classified as Class 3-Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met:

(1) The reproduction was accurate in detail.

(2) The chief executive officer, or other designee, has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

(3) The copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.

(4) In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

§ 59026. Retention Period.

(a) Generally, a Class 3-Disposable record, unless otherwise specified in this Subchapter, should be destroyed during the third college year after the college year in which it originated (e.g., 1993-94 plus 3 = 1996-97). Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.

(b) With respect to records basic to an audit, a Class 3-Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 84040 or of any other legally required audit, or that period specified by Section 59118, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

(c) With respect to continuing records, a continuing record shall not be destroyed until the third year after it has been classified as Class 3- Disposable.