

## 1.0 Purpose

- 1.1 The purpose of these regulations is to fulfill the requirements of the Family Educational Rights and Privacy Act of 1974, the Education Code, and Title 5 regulations on Student Records.

## 2.0 Definitions (Ed. Code, § 76210(a))

- 2.1 “Student Record” means any item of information, other than directory information, directly related to an identifiable student maintained by a community college or required to be maintained by an employee in the performance of the employee’s duties, whether recorded by handwriting, print, tapes, file, microfilm, electronically or other means, except:
  - 2.1.1 Information provided by a student’s parents relating to applications for financial aid and scholarships.
  - 2.1.2 Information compiled by an officer or employee in performance of the employee’s duties which remains in the sole possession of the maker thereof and is not accessible or revealed to any other person, except a substitute.
  - 2.1.3 Certain medical records as defined in Education Code, section 76210(a).
  - 2.1.4 A decision reached as the result of any disciplinary hearing or grievance procedure. Such a record is destroyed on the three-year (3) anniversary date of the record.
- 2.2 “Access” means personal inspection and review of a record, including an electronic record, or an accurate copy of a record, or an oral description or communication of a record, and a request to release a copy of any record.
- 2.3 “Directory Information” means student’s name, student identification number, age, 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, and most recent previous public or private school attended by the student.
- 2.4 “Officials or employees of the District” include persons employed by the Los Rios Community College District and/or its College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or companies with whom the District has contracted as its agent to provide a service instead of using College/District employees or officials (such as an attorney, auditor, or collection agent); persons serving on the Los Rios Community College District Board of Trustees; or students serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

### 3.0 Directory Information

- 3.1 Directory information may be released as to any student or former student at the College, provided that public notice is given at least annually of the categories listed as directory information, and students must be informed that they have the right to refuse the release of one or more such designated categories.
  - 3.1.1 A student who does not want such personally identifying information released must notify the Vice President of Student Services in writing within two (2) weeks after the beginning of a semester or session to ensure compliance.
- 3.2 The District or College may, in its discretion, limit or deny the release of specific categories of directory information to any public or private non-profit organization based upon a determination of the best interests of students.

### 4.0 Access to Student Records

- 4.1 The following may access a student record subject to the method for petition stated in Section 5.0 below:
  - 4.1.1 A student who is currently enrolled, or who has previously been enrolled in the College may access his or her own record;
  - 4.1.2 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. (Ed. Code, § 76242)
    - 4.1.2.1 This consent must be signed and dated by the student.
    - 4.1.2.2 The recipient must be notified that the transmission of information to others is prohibited. (Ed. Code, § 76242)
    - 4.1.2.3 The consent notice shall be permanently kept with the record file.
- 4.2 Officials or employees of the District who have a legitimate educational interest may access student records in an electronic or document format. A “legitimate educational interest” exists when the official or employee has a “need to know”. The following are examples of a “legitimate educational interest”:
  - 4.2.1 When such information, in the opinion of the Vice President of Student Services or Vice President of Instruction, will assist staff in determining or improving the academic competence of students under their jurisdiction;
  - 4.2.2 When such information will assist the counseling staff in achieving the student's personal, academic, or vocational goals or in understanding and following prescribed campus/District regulations;

- 4.2.3 When required for the creation, analysis, distribution, correction, compilation or processing of student records;
- 4.2.4 When such information is required for the successful completion of management or supervisory duties;
- 4.2.5 When reviewed by the Board of Trustees in appropriate disciplinary cases.
- 4.3 Access may be granted to appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons as determined by the Vice President of Student Services.
- 4.4 Other agencies or organizations as listed in Education Code, section 76243 may also access student records for the purposes and only for the purposes enumerated in the code.
- 4.5 A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record, and the legitimate interests therefore. Exceptions to this listing may be found in Education Code, section 76222.
  - 4.5.1 The log or record shall be open to inspection only by the student and the College official responsible for the maintenance of student records, and by government officials as enumerated in Education Code, section 76222.
  - 4.5.2 No information pursuant to a student's records shall be released by telephone.

## 5.0 Method of Petitioning Access

- 5.1 All petitions will be in writing to the Vice President of Student Services, on a form supplied by the College.
- 5.2 The form supplied by the College will serve as a validation that the request has been made and has been met.
- 5.3 The form will be placed in the student file as a notation that the material requested was released as specified in Section 4.5 above.
- 5.4 Upon receipt of a written request for records that meets the criteria in Section 4.1.2 above, the College will release the records requested.

## 6.0 Procedures

- 6.1 Within five (5) working days of the request, the petitioner will be invited to review the material requested.

- 6.2 Such review will be in the presence of the Vice President of Student Services or designee.
- 6.3 No materials may be removed from the file.
- 6.4 A copy will be made of any record so requested.
  - 6.4.1 If a copy is made of a transcript, the transcript fee will be charged, except that the first two (2) transcripts of student's records shall be free. (Ed. Code, § 76223)
  - 6.4.2 If a copy is made of a single item which is not a transcript, the actual cost of reproduction may be charged.
- 6.5 If a record is provided electronically, appropriate measures will be taken to ensure confidentiality.

## 7.0 Lawfully Issued Subpoena or Court Order

- 7.1 Upon receipt at a College, a copy of a lawfully issued civil subpoena or court order for student records shall be mailed to the student's last known address.
  - 7.1.1 Subpoenas or court orders shall not be mailed to students if the education records are requested by an Assistant Attorney General and may be relevant to a terrorism investigation.
- 7.2 If the student objects to a subpoena or court order, the General Counsel shall be notified.
- 7.3 If there is no objection by the student, the custodian of records may comply 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.
- 7.4 If a College is served with a criminal subpoena, contact the Office of the General Counsel.

## 8.0 Disciplinary Action

- 8.1 Whenever there is included in any student record information concerning any disciplinary action taken by community college personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action. (Ed. Code, § 76233)

## 9.0 Challenge

- 9.1 Any student may challenge the content of his/her records pursuant to Education Code, section 76232.

## 10.0 Announcement to Students Concerning Their Rights and Responsibilities

- 10.1 Information governing rights and procedures must be announced to students through a statement in an official college publication.
- 10.2 Information governing rights and procedures will be made a part of the District statement on student rights and responsibilities.
- 10.3 Information governing rights and procedures must include the following:
  - 10.3.1 Information considered to be student records as indicated in Sections 2.1 and 2.2 above.
  - 10.3.2 The categories of information designated as “directory information” as indicated in Section 2.4 above.
  - 10.3.3 The location of the log specified in Section 4.5 above.
  - 10.3.4 The criteria used in defining “officials and employees” and “legitimate educational interest” as indicated in Section 4.2 above.
  - 10.3.5 The right of a student to have access to his/her student record, as indicated in Section 4.1 above.
  - 10.3.6 The procedure of a student for challenging the content of student records and the District Policy for reviewing and expunging those records as indicated in Section 8.0 above.
  - 10.3.7 The right of the student to file a complaint with the U.S. Department of Education in cases where the student feels the College has not complied with the Privacy Act.
  - 10.3.8 The official responsible for the maintenance of student records at each College.
  - 10.3.9 The cost which will be charged for reproducing copies of records, as indicated in Section 6.4 above.
- 10.4 The full Family Educational Rights and Privacy Act of 1974 and a copy of procedures will be available in the Office of the Vice President of Student Services at each College.

## 11.0 Waiver of Rights of Privacy

- 11.1 No student shall be required to sign a blanket waiver to allow the release of information.
- 11.2 Veterans and students in various special programs requiring documentation of progress to assure payment of certain benefits may be required to sign a particular waiver at each period of enrollment.

## 12.0 Placement File – Recommendation

- 12.1 Any recommendations gathered by the College for students seeking placement through college placement offices will be obtained through open tracers bearing the notation, “All materials in a student’s placement file are open to the student’s review”.
- 12.2 A student may be requested to waive his/her right to access to student records devoted solely to confidential recommendations for career placement or post-secondary admission, provided that the student shall be notified, upon request, of the names of all persons making confidential recommendations. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt or any other services or benefits from a community college. (Ed. Code, § 76231)
  - 12.2.1 Waivers shall be in writing and signed by the student.

## 13.0 Use of Student Data for Research and Planning

- 13.1 Names/ID numbers and addresses or telephone numbers will only be used to contact students or former students for satisfaction, climate or other survey research purposes or for recruitment to special education or educational support programs; responses will in no way be associated with names or ID numbers. Data will be used for College and District-related research (e.g., not for personal or consulting purposes). If a College develops a study that compares their data to that of another Los Rios College, a copy of the report/research information will be shared with all College and District researchers.
- 13.2 All data will be reported at the aggregate level, i.e., no individuals (student, faculty, staff, etc.) will be identified. In order to preserve individual anonymity, in a case where there is a small “n” (less than 5 records) which might reveal the identity of individuals, the researcher(s) will not make the data available. Ethics in research will be used, such as those outlined in Sommer and Sommer, 1991, New Directions for Institutional Research, Jossey-Bass, Spring, 1992 or Babbie, The Practice of Social Research, 1995, etc.
- 13.3 Individual faculty and staff members wishing to use data for research must make a formal written request that is approved by the appropriate Division Dean to the individual College/District research office for data to conduct the study. The

request will be kept on file in the research office for future reference. Faculty and staff members wishing to conduct research related to more than one of the District Colleges will contact the District Institutional Research office. All individuals will be required to read and follow the procedures/protocols outlined in this policy.

- 13.4 Non-District employees wishing to use data for research must make a formal written request to the individual College/District research office for data to conduct the study. The request will be kept on file in the research office for future reference. Individuals wishing to conduct research related to more than one of the District Colleges will contact the District Institutional Research office. All individuals will be required to read and follow the procedures/protocols outlined in this policy. A copy of the resulting research report should be provided to the College/District research office that approved the request and, as appropriate, to others who would be interested in the results. A full reference to the data source should be included in the report.

#### 14.0 Solomon Amendment Reporting Policy

- 14.1 All colleges and universities are required by law to provide names, full mailing address, and telephone numbers of students to all U.S. military recruitment offices upon request. These requests are to be directed to the District Institutional Research office for processing.

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Adm. Regulation Revised: 11/19/80; 2/10/82; 1/24/96; 7/8/97; 7/10/00; 11/6/00; 7/8/02;  
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