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Policy Area: *Chapter 5 Student Services*  
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## AP 5040 Student Records, Directory Information, and Privacy

(Replaces current SBCCD AP 5040)

### STUDENT RECORDS

- A. The colleges shall maintain appropriate records to document and verify student enrollment, attendance, and withdrawal information as required for state apportionment purposes.
- B. Data provided by the instructor shall be readily available for audits, internal controls, and other verification.
- C. Data for Enrollment (Data)
  - 1. Student Applications
  - 2. Change of Program Data
  - 3. Fee Data
  - 4. Credit by Examination
  - 5. Student Academic Records
  - 6. Assessment Scores

### ACCESS TO STUDENT RECORDS

- A. Definitions
  - 1. "Student" means any person who is currently enrolled or formally enrolled in classes in the San Bernardino Community College District.
  - 2. The following data and documents will be maintained by the colleges and classified as "Student Records":
    - a. admission data
    - b. discipline records
    - c. health records
    - d. veteran records
    - e. educational records

3. The following are not classified as "Student Records":
  - a. information provided by a student's parents relating to applications for financial aid or scholarships.
  - b. information related to a student compiled by a college officer or employee:
    1. appropriate for such officer or employee's performance of his/her responsibility; and
    2. which remains in the sole possession of the maker thereof; and
    3. is not accessible or revealed to any other person except a substitute. For the purposes of this subdivision, "substitute" shall mean 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/her position.
  - c. information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional:
    1. acting or assisting in his professional or para-professional capacity; and
    2. the record is created, maintained or used in connection with the provision of treatment to the student; and
    3. the record is not available to anyone other than persons providing such treatment provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.
  - d. information maintained by a college law enforcement unit:
    1. necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or as may be assigned by the district;
    2. unit personnel do not have access to other student records; and
    3. such information is kept apart from other student records; and
    4. maintained solely for law enforcement purposes; and
    5. is available only to other law enforcement officials of the same jurisdiction.
  - e. any data or records not identified in part 2 is not to be considered a student record.

#### **B. Access to Student Records**

1. Students, as defined in this policy, have the right to review and receive copies of all student records relating to the student as maintained by the colleges. Expressly exempted from the right of inspection:
  - a. financial records of the parents of the students;
  - b. confidential letters and statements of recommendation that were placed in the education record prior to January 1, 1975. After January 1, 1975, confidential recommendations and other materials regarding admission to special departmental programs or honorary recognition for students may be acquired and remain confidential if the student has signed a waiver of his/her right to review and inspect such documents. In the event a student does not sign a waiver, such student must be given access to these records;
  - c. records of instructional, supervisory, counseling and administrative personnel which are in their sole possession and are not accessible or revealed to any other person except a substitute;

- d. records of employees at the college, who are not in attendance at the college, made and maintained in the normal course of college business; and
  - e. records of students made and maintained by the college Health Office that are used in the treatment of students.
2. Procedures shall be developed by each college to provide for access to student records that will include:
    - a. a written request from the individual student;
    - b. access to student records not to exceed ten working days;
    - c. a review and inspection process that will be under the direct supervision of a designated employee
    - d. the option to obtain copies of their student records at a designated fee for each page copied.
  3. If any material or document in the education record of a student includes information on more than one student, the student shall have the right to inspect and review only such part of the material or document as relates to him/her or to be informed of the specific information contained in such part of the material or document.

### **C. Release of Student Records**

1. Release of or access to individual student records is not authorized without specific written consent of the individual student or under judicial order, except that access may be permitted to the following
  - a. officials and employees of the college, provided that any such person has a legitimate educational interest to inspect a record.
  - b. 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 such information is necessary to audit or evaluate a state or federally supported education program, or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
  - c. 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.
  - d. accrediting organizations in order to carry out their accrediting functions.
  - e. 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 such 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 such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
  - f. 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, or safety of a student or other persons, or subject to such regulations as may be issued by the Secretary of Health,

#### Education and Welfare.

2. The agencies and individuals listed above are expressly forbidden from permitting access of said educational records to third parties.
3. Where the colleges receive a judicial order to review and/or release a student record, the student involved will receive notification of this action by the colleges as soon as possible.
4. No person, persons, agency or organization permitted access to student records pursuant to this policy shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student; however, this paragraph shall not be construed as to 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 as long as such person(s) have a legitimate educational interest in the information.

#### D. Record of Access

1. A log or record shall be maintained of each person, agency, or organization requesting or receiving information from individual student records. Such listing need not include college officials, instructors, or counselors.
2. The log or record shall be open to inspection only by the student and the college official or his/her designee responsible for the maintenance of student records, and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in Public Law 93.380, and state educational authorities as a means of auditing the operation of the system.
3. 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.) The following statement will accompany student records released under these circumstances:

"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."

#### E. Challenge of Student Records

1. See Administrative Procedure 5045 titled Student Records: Challenging Content and Access Log

#### F. Annual Notice to Students

1. Students of the *San Bernardino Community College* District shall be notified annually of their rights under this procedure.
2. Standard college publications may be used to satisfy this annual notice to students.

#### G. Destruction of Records

Nothing in this policy shall prevent the destruction of records per established District procedure. (See BP/ AP 3310 titled Records Retention and Destruction)

## References:

Education Code Sections 71091 and 76200 et seq. ;  
Title 5 Sections 54600 et seq.,;

20 U.S. Code Section 1232g(j) (U.S. Patriot Act);  
Civil Code Section 1798.85;  
ACCJC Accreditation Standard II.C.8

## Attachments

[AP 5040 Student Records, Directory Information, and Privacy - Comments](#)  
[AP 5040 Student Records, Directory Information, and Privacy - Legal Citations](#)  
[AP5040 -OLD.pdf](#)  
[SBCCD - Overview for Legal Update 31 Final Version.docx](#)

## Approval Signatures

Step Description	Approver	Date
	Policy Stat	07/2020
	Policy Stat	07/2020

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