

BOARD POLICY

~~BP 4134 Records: Definition and Student Access~~

~~The Santa Monica Community College District will clearly define those documents that must be maintained and classified as “Educational Records” as follows: scholastic records, test scores, registration card, admissions card, transfer transcripts, change of record notices, graduation petitions, general education certification, incomplete verification, high school forfeiture notices, verification attendance request, veteran folders, nursing department folders, employment office folders, college police department files, and trade and technical department files.~~

~~The District will follow a process as defined in Administrative Regulation 4133 by which presently or previously enrolled students have the right to inspect and challenge their educational records.~~

~~BP 4135 Release of Education Records Information~~

~~The Santa Monica Community College District may release copies of or otherwise divulge material in student education records only to the official agencies, groups, officials, or individuals specifically mentioned in the Family Educational Rights and Privacy Act (FERPA) of 1974, without the student’s written consent. Release of a student’s educational records, with the exception stated in Administrative Regulation 4135, must be with the student’s written consent.~~

BP 4135 Compliance with Family Educational Rights and Privacy Act (FERPA)

Administrative Regulation 4135 set forth the rules and regulations of the District for complying with the Family Educational Rights and Privacy Act and State law. All District officers, employees, and other agents of the District granted access to student education records shall comply with this Administrative Regulation.

ADMINISTRATIVE REGULATIONS

Repeal existing AR 4134 and 4135 and replace with a new AR 4135:

~~AR 4134 Records; Definition and Students Access~~

1. ~~Definition of Education Records~~

~~The following files, records, and documents will be maintained by the college and classified as "Education Records": scholastic records, test scores, registration appointment, admissions appointment, transfer transcripts, change of record notices, graduation petitions, general education certification, incomplete verification, high school forfeiture notices, verification attendance request, veteran folders, nursing department folders, employment office folders, college police department files, and trade and technical department files.~~

2. ~~Access to Education Records~~

~~Pursuant to the Family Educational Rights and Privacy Act (FERPA) students, either presently or previously enrolled, have the right to inspect and review their education records. Such students who follow the established procedure of the records office shall be granted access to their records within forty five days of the request. Expressly exempted from the right of review and inspection are the following materials:~~

a. ~~Financial records of the parents of the students.~~

b. ~~Confidential letters and statements of recommendation which were placed in the education records 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 said 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 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.~~

e. ~~Records of students made and maintained by the college health office and college psychologist which are used in the treatment of students.~~

3. ~~Procedures shall be developed by the Santa Monica College administrative staff providing for access to records by students. These procedures will include:~~

a. ~~A written request.~~

b. ~~A description of what records the college has kept and what is available for the students to review.~~

c. ~~A review and inspection process by the students under the supervision of the Dean of Enrollment Services or designee. The Dean of Enrollment Services shall have the authority to make changes to a student's records at his/her request, where it does not interfere with the integrity of professional entries.~~

4. ~~Procedures shall be developed by the Santa Monica College administrative staff providing for student challenges of any information contained in education records.~~

AR 4135 Release of Education Records Information

1. ~~Educational records are maintained in the SMC Admissions and Records Office, which is supervised by the Dean of Enrollment Services or designee.~~
2. ~~Any release of a student's education records, with the exceptions listed below, must be with the student's written consent.~~
3. ~~The college may release copies of or otherwise divulge material in student education records only to the official agencies, groups, officials, or individuals specifically mentioned in the Family Educational Rights and Privacy Act of 1974, without the student's written consent. These agencies and individuals are expressly forbidden from permitting access of said education records to third parties. Those exceptions specifically mentioned are:~~
 - a. ~~College and District staff.~~
 - b. ~~Representatives of the Comptroller General of the United States and of the Secretary of Health, Education, and Welfare.~~
 - c. ~~The Commissioner, Director, or the Secretary of the National Institute of Education and/or the Assistant Secretary for Education.~~
 - d. ~~State and Federal educational authorities conducting official audits or program evaluation.~~
 - e. ~~Officials of other colleges and college systems in which the student seeks or intends to enroll, provided the student is notified by mail of the transfer of the records.~~
 - f. ~~Accrediting organizations.~~
 - g. ~~Organizations conducting studies for, or on behalf of, districts or colleges 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 and their parents by persons other than representatives of such organizations, and such information will be destroyed when no longer needed.~~
 - h. ~~Various agencies which coordinate their activities through the college financial aids office for the purpose of processing a student's application for, or receipt of, financial aid. Such agencies will have access to student records for purposes of collection on a student's financial obligations made through the college financial aids office.~~
 - i. ~~Appropriate persons in connection with an emergency provided that knowledge of such information is necessary to protect the health or safety of the student or other persons.~~
 - j. ~~Those who have obtained subpoena or judicial order. However, the student is to be given prior notice by mail regarding the college's compliance with the order.~~
4. ~~The college may release limited information to the public as defined under "Directory Information." Directory information is limited to the following categories: names of students who participate in officially recognized activities and sports; height and weight of members of athletic teams; previous dates of attendance, and colleges or universities of previous attendance for purposes of determining athletic eligibility; and degrees and awards received. Directory information may be made public provided that public notice is given as to the categories of information which the college plans to release. Such notice will specify a designated time in which the student must notify the college in writing that such information should not be released.~~

5. ~~The college will maintain an access list with each student's education record, which includes the identity of persons who have requested and have been denied, or who have had access to the student records, the dates of said requests, and the reasons for such access. The access list will exclude college officials, teachers, and counselors.~~

6. ~~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."~~

7. ~~Students will be informed annually by Santa Monica College of their rights under the act. Such information will be disseminated by a variety of methods designed to inform all students.~~

~~Reference: Education Code Sections 76240-76243
U.S. Privacy Act of 1974
Title 5, Section 54626
Reviewed and/or Updated: 12/11/2001~~

AR 4135 Compliance with the Family Educational Rights and Privacy Act (FERPA)

This regulation implements the federal Family Education 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” or “College”) has used the following definitions of terms:

1. “*Student*” means any person who attends or has attended Santa Monica College.
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.

3. “*Education records*” means any record maintained by Santa Monica College or an agent of the College which is directly 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 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 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 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 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 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 he or she wishes 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 with 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/her.

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. Letters and statements of recommendation for which the student has waived his or her right of access or which were placed in file before January 1, 1975.
3. Records connected with an application to attend Santa Monica College if the application was denied.
4. Those records which are excluded from the FERPA definition of education records. The records will be made available if required by State law.

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.

G. 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 SMC Website.

H. Disclosure of Education Records

Santa Monica College will disclose information from a student's education records only with the written consent of the student, 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 that person has a legitimate educational interest to inspect a record.
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 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. To 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. 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.
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 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. To accrediting organizations in order to carry out their accrediting functions.
7. To 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. 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.
9. 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.

10. 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.

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 redisclosed, 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."

J. Directory Information

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 of members of athletic teams

Dates of attendance

Degrees and awards received and most recent previous school attended

Student's photograph

The College may disclose any of those items without prior written consent unless notified in writing to the contrary by the student.

Students have the following options in connection with the release of directory information:

1. Do NOT permit SMC to release Directory Information to anyone.
2. Do NOT permit the release of information to the Military

K. Correction of Education Records

1. Any student may file a written request with the Superintendent/President to correct or remove information recorded in his or her student records which the student alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

2. Within 30 days of receipt of the request, the Superintendent/President, or his or her designee, shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the community college district. The Superintendent/President or his or her designee shall then sustain or deny the allegations.

3. If the Superintendent/President, or his or her designee, sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information.

4. If the Superintendent/President, or his or her designee, denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the Board of Trustees.

5. Within 30 days of receipt of an appeal, the Board of Trustees shall, in closed session with the student and the employee who recorded the information in question, if any, and if that employee is presently employed by the community college district, determine whether to sustain or deny the allegations.

6. If the governing board sustains any or all of the allegations, it shall order the chief administrative officer, or his or her designee, to immediately correct or remove and destroy the information.

7. The decision of the governing board shall be final.

8. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

9. If the final decision of the governing board is unfavorable to the student or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

L. Subpoenas.

Each office that routinely receives subpoenas for student records shall have a written policy on compliance with subpoenas. The written policy shall be approved by the FERPA Compliance Office. Any out of the ordinary subpoenas for student records shall be referred to Campus Counsel for review prior to release of the records.

M. 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.

N. 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 and staff a reasonable time to complete the FERPA tutorial.

O. Compliance Officer.

The Associate Dean of Enrollment Services is designated as the FERPA Compliance Officer.

P. Types, Locations and Custodians of Education Records

The following is a list of the types of records that Santa Monica College maintains, their locations and their custodians:

Type	Location	Custodian	Retention Period
Admission Records	Webextender system, Vault, Attic	Associate Dean, Enrollment Services	See below
Add/Drop Slips	Letters & Sciences Attic	Associate Dean, Enrollment Services	3 years
Faculty Drop Rosters	Now done online & kept permanently in ISIS Previous documents kept in attic.	Associate Dean, Enrollment Services	Permanently in ISIS Paper documents kept permanently.
Positive Attendance Rosters	Admissions Office	Associate Dean, Enrollment Services	Permanently
Grade Rosters	Attic until imaged into webextender system	Associate Dean, Enrollment Services	Permanently
Applications	Paper apps kept in attic to be imaged into webextender system. Online application information is kept in ISIS.	Associate Dean, Enrollment Services	Permanently
Enrollment Verification Forms	Letters & Sciences Attic	Associate Dean, Enrollment Services	3 years
Signature Pages	Imaged into webextender. Now, no longer required because of electronic signature process.	Associate Dean, Enrollment Services	Permanently
Time Conflict Forms	Letters & Sciences Attic	Associate Dean, Enrollment Services	3 years
Grade Change Forms	Webextender	Associate Dean, Enrollment Services	Permanently
Program and Academic Renewal Forms	Webextender	Associate Dean, Enrollment Services	Permanently
Petitions for Special Consideration	Admissions office to be imaged into Webextender	Associate Dean, Enrollment Services	Permanently
Grade Appeals	Admissions office.	Associate Dean, Enrollment Services	Permanently

Graduation Petitions/Evaluations	Admissions office	Associate Dean, Enrollment Services	Permanently
Other College Transcripts	Webextender/Attic to be imaged	Associate Dean, Enrollment Services	Permanently
Requests for transcripts (forms)	Letters & Sciences Attic	Associate Dean, Enrollment Services	3 years
Incompletes (prior to online submission)	ISIS/Webextender	Associate Dean, Enrollment Services	Permanently
AB540 documentation	Webextender	Associate Dean, Enrollment Services	Permanently
Name Change Forms	Admissions Office/Vault	Associate Dean, Enrollment Services	3 years
Pass/No Pass Forms	Webextender	Associate Dean, Enrollment Services	Permanently
Bursar's Office			
Payroll and Other Financial Records	Storage Pod	Bursar's Lead Staff member	3 years
Registration Billing Records	Storage Pod	Bursar's Lead Staff member	3 years
Auxiliary Services			
Payroll and Other Financial Records	Auxiliary Services	Auxiliary Services Staff	7 years
Registration Billing Records	Auxiliary Services	Auxiliary Services Staff	7 years
Financial Aid Records			
	In Fin Aid Office/ Attic	Financial Aid Office	3 to 5 years
Assessment Center			
Placement Records	Assessment scores are kept electronically in ISIS	Associate Dean, Enrollment Services	Permanently
Counseling			
CalWORKs Program Eligibility Information from DPSS	CalWORKs Program Office	SMC CalWORKs counselors	5 years
Mental Health Records	Psych Services	Coordinator of Psych Services Program	7 years
Veteran's Affairs eligibility paperwork	Veteran's Program Office	Veteran's counselor	Permanently

Medical verification of diagnosed disabilities	DSPS	Coordinator of DSPS	Permanently
Campus Disciplinarian			
Disciplinary Records	Student Judicial Affairs Office	Dean, Student Services/Campus Disciplinarian	3 years for ordinary cases; indefinite period of time for suspension cases
Occasional Records (Student education records not included in the types above such as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.)	The appropriate office will collect such records, direct the student to their location, or otherwise make them available for inspection and review.	The college staff person who maintains such occasional systems records.	