

AR 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY

Santa Monica College shall maintain a cumulative record of enrollment, scholarship, and educational progress shall be kept for each student. This AR encompasses disclosures, policies and procedures concerning the review, release, content, challenges of student records, and compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) as noted below.

Section 1.

Request for Official Transcripts

Students shall be provided an official transcript upon request subject to meeting the conditions below:

1. The student does not owe fees and does not have a hold that would prevent the release.
2. Transcripts may be requested in paper or **electronic** form.
3. The first two official transcripts are free if requested by mail or in person at the Admissions and Records Office. Additional transcripts may be provided for a fee of \$5 each.
4. **Online** transcript requests are subject to the full cost and a processing fee as published on the Admissions and Records website. **(Do these fees change as approved by the Chancellor?)**
5. A Student may request expedited processing for the transcript subject to an additional cost. **of \$10.**
6. A student may obtain an unofficial copy of their transcript from the college website, on their student portal at no cost, or from the Admissions and Records Office for \$3 each.

❖ From current SMC AR 4125 Transcripts

Transcripts

The fees charged to students for transcripts are:

- ~~1. The first two regular transcripts are free if requested by mail or in person and \$5 for any additional transcript. Additional fees may apply for transcripts if ordered online.~~
- ~~2. \$15 service charge for a "Rush" transcript available for pick-up or to be mailed on the **third** business day after the request is made.~~
- ~~3. A student may obtain an unofficial copy of his/her transcript for \$3 from the Admissions Office or for free from the College website.~~
- ~~4. Official transcripts may be subject to various college issued holds.~~

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Section 2:

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that they have the right to stop the use of their social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

NOTE: *The following language in current SMC AR 4135 Compliance with Family Educational Rights and Privacy Act (FERPA) is **shaded in gray** below to indicate that this language is **unique to the District** and requires further review to determine whether it is deemed necessary by the District to retain.*

~~❖ From current SMC AR 4135 Compliance with Family Educational Rights and Privacy Act (FERPA)~~

Section 3: Compliance with FERPA

This regulation implements the federal Family Education Rights and Privacy Act (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. The word "attend" includes, but is not limited to, attendance in person or 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.
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 ~~their~~~~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 ~~their~~~~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 ~~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 ~~their~~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. **Would this be where Esau's SS statement come in re fin 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. Access Log

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;
- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student and the Superintendent/President or designee, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

D. E. 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~~ 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. F. 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. G. 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. H. 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. I. 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.

J. 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."

K. 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 **through their student portal annually?**:

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

L. Correction or Challenging Content of Education Records

1. Any student may file a written request with the Superintendent/President to correct or remove information recorded in ~~theirhis/_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 ~~theirhis/_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 ~~theirhis/_or-her~~ designee shall then sustain or deny the allegations.
3. If the Superintendent/President, or ~~theirhis/_or-her~~ designee, sustains any or all of the allegations, ~~theyhis/_or-her~~ shall order the correction or removal and destruction of the information.
4. If the Superintendent/President, or ~~theirhis/_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 ~~theirhis/_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 ~~thei~~^{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.

10. Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or reponse concerning the disciplinary action.

L. M. Subpoenas/Judicial Orders

Each office that routinely receives **lawfully issued** subpoenas or **Judicial Orders** for student records shall have a written policy on compliance with subpoenas or **Judicial 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.

M. N. 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. O. 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.

O. P. Compliance Officer

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

Section 4:

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. **Additional College departments will be added to this list and changes maintained by the Dean of Enrollment Services as needed, in compliance with accreditation standards, state, and federal requirements. Departments are urged to keep all current year paper records in situ until any auditing of those records has taken place, or to image such documents (if appropriate) prior to permanent archiving or scheduled destruction.**

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

Other College Transcripts	Webextender/ Attic to be imaged	Dean, Enrollment Services	Permanently
Requests for transcripts (forms)	Attic	Dean, Enrollment Services	3 years
Incompletes (prior to online submission)	ISIS/Webextender	Dean, Enrollment Services	Permanently
Residency and Residency Exemptions AB540 documentation	Webextender	Dean, Enrollment Services	Permanently
Name Change Forms	Admissions Office/Vault	Dean, Enrollment Services	3 years
Pass/No Pass Forms	Webextender	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	Dean, Enrollment Services	Permanently
Counseling			
CalWORKs Program Eligibility Information from DPSS	CalWORKs Program Office	SMC CalWORKs counselors	5 years
Health Records for students	Health Center	Director, Health Services	7 years
Health Records for staff	Health Center	Director, Health Services	Permanently
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 3 years
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; or permanently and infinite period of time for suspension cases
International Education Center			
Applications	In iApp and ISIS. Old paper apps kept in IEC office and in the shed behind Outreach Office and . Future documents to be imaged into webxtender.	Dean, International Education Center	Permanently
Financial Information	Hard copies kept in IEC office and in the shed behind the Outreach office. Moving toward imaging documents into webxtender.	Dean, International Education Center	3 years
Immigration Documents	Hard copies kept in IEC office and in the shed behind the Outreach office. Moving toward imaging documents into webxtender.	Dean, International Education Center	3 years
Transcripts from other institutions	Hard copies kept in IEC office and in the shed behind the Outreach office. Moving toward imaging documents into webxtender.	Dean, International Education Center	Permanently
Enrollment Verification Letters	Hard copies kept in IEC office and in the shed behind the Outreach office. Moving toward imaging documents into webxtender.	Dean, International Education Center	3 years
Advising and Counseling Notes	ISIS. Hard copies kept in IEC office and in the shed behind the Outreach office. Moving toward imaging documents into webxtender.	Dean, International Education Center	Permanently
Library Services			

Student user records	ISIS and Library automation system	Dean, Learning Resources	3 years after privileges have expired if no fees owed; otherwise permanently
District Employee user records	ISIS and Library Unicorn automation system	Dean, Learning Resources	3 years after privileges have expired if no fees owed; otherwise permanently
Community user records	ISIS and Library automation system	Dean, Learning Resources	3 years after privileges have expired if no fees owed; otherwise permanently
User Activity Archival logs	Library automation system	Dean, Learning Resources	365 days
Other Records			
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.	

~~AR 4131 Records Classification and Retention~~

~~The administrators responsible for Admissions and Records, Financial Aid and Student Life will annually classify student records into the following categories:~~

~~Class 1~~

~~Permanent Records (as defined in Section 59024, Title 5). Those records that are defined as permanent must be retained indefinitely.~~

~~Class 2~~

~~Optional Records (as defined in Section 59024, Title 5). Those records which are not required by law to be retained permanently but determined by the college to be worthy of further preservation.~~

~~Class 3~~

~~Disposable Records (as defined in Section 59025, Title 5). Those records are to be retained for three years beyond the academic year in which they were originated.~~

~~Class 4~~

~~Disposable Records. Those records which have no required retention period may be destroyed at any time.~~

Reference: Title 5, Section 54608, 59023-25, Education Code Section 76220

Approved: 12/11/01

References:

[Education Code Sections 71091 and 76200 et seq.;](#)
[Title 5 Sections 59023-59025, 54600 et seq.;](#)
[20 U.S. Code Section 1232 g\(j\) \(U.S. Patriot Act\);](#)
[Civil Code Section 1798.85;](#)
[Revised: April 18, 2018](#)

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This regulation reflects updates/revisions from the Policy & Procedure Service in February 2004, February 2008, March 2012, April 2014, and April 2015. The language in **black ink** is from current SMC AR 4125 Transcripts approved on April 29, 2003 and revised on April 12, 2010 and AR 4135 Compliance with Family Educational Rights and Privacy Act (FERPA) approved on December 11, 2001 and revised on January 12, 2010. The language in **blue ink** is included for consideration. The language in **yellow highlighting** is included to draw the reviewers' attention, and this language will be removed upon final approval. The language shaded in gray is unique to SMC and requires further review.

Approved: December 11, 2001 (for AR 4135) and April 29, 2003 (for AR 4125)
Revised: January 12, 2010 (for AR 4135);
April 12, 2010 (for AR 4125); _____
(Replaces SMC AR 4125 and AR 4135)

NOTE: The Policy & Procedure Service continually monitors changes in law related to student records and directory information. The Policy & Procedure Service's template language (reflected below) has been revised five times since its creation in 2000 with revisions in 2/04, 2/08, 3/12, 4/14, 4/15. The language in **red ink** is **legally required**. 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**.

~~A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.~~

Release of Student Records

~~No instructor, official, employee, or Board member shall authorize access to student records to any person except under the following circumstances:~~

- ~~• Student records shall be released pursuant to a student's written consent.
[Insert local procedure on obtaining consent or student request]~~
- ~~• "Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information, and Privacy.~~
- ~~• **[Insert local procedure for releasing "directory information."]**~~
- ~~• Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
[Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena]~~
- ~~• Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.~~

- ~~Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. **[Insert local procedure on release of records to District officials and employees.]**~~

~~Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**~~

~~Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**~~

~~Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**~~

~~Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**~~

~~Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. **[Insert local procedures or who is responsible for providing such information and defining procedure.]**~~

~~The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates, and places of birth, levels of education, major(s), degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.~~

From CCCCO Student Fee Handbook:

Districts may offer expedited copying for an additional fee, when a student requests the transcript or enrollment verification copy without having to wait the usual waiting period. The expedited service fee is an optional fee so long as students are otherwise able to receive records without an enhanced

charge for expedited service. In Legal Opinion O 09-02, we determined that districts can charge a per-transcript fee for transcripts ordered through CCCTran, an electronic transcript system. Schools that choose to use the CCCTran service may also charge an expedited service fee for transcripts generated and transmitted electronically, if a student chooses to use this service over other non-expedited transcript retrieval services. The current practices governing fee and standard transcript requests apply to electronic transcript requests as well.

Student Records Fee. Education Code section 76223 authorizes districts to make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any student record, provided that no charge can be made for furnishing up to two transcripts or up to two verification of various types of student records. Districts should have clear policies and practices that provide for two transcripts and two verification free of charge. No charge may be made for the cost to search for or retrieve any student record. It should be noted that federal law and regulation prohibit the charging of fees for any documentation required for a student's receipt of Title IV student financial aid.

Flat fees for transcripts and verifications should be approached cautiously because districts must be able to demonstrate that the actual cost of providing transcripts and verifications exceeds the flat fee amount charged in every instance.

§ 59024. Class 2-Optional Records.

Any record worthy of further preservation but not classified as Class 1-Permanent may be classified as Class 2-Optional and shall then be retained until reclassified as Class 3-Disposable. If the chief executive officer, or other designee, determines that classification should not be made by the time specified in section 59022, all records of the prior year may be classified as Class 2-Optional, pending further review and classification within one year.

§ 59025. Class 3-Disposable Records.

All records, other than Continuing Records, not classified as Class 1-Permanent or Class 2-Optional, shall be classified as Class 3-Disposable, including, but not limited to, detail records relating to:

- (a) records basic to audit, including those relating to attendance, full-time equivalent student, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, canceled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report; and
- (b) periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

§ 54608. Retention and Destruction of Student Records.

The retention and destruction of student records, where not otherwise specifically provided for in this subchapter, shall be in accordance with subchapter 2.5 (commencing with section 59020) of chapter 10.

§ 59023. Class 1-Permanent Records.

The original of each of the records listed in this Section, or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1-Permanent record and shall be retained indefinitely, unless copied or reproduced in accordance with Subsection (e) of Section 59022.

(a) The following annual reports:

- (1) official budget;
- (2) financial report of all funds, including cafeteria and student body funds;
- (3) audit of all funds;
- (4) full-time equivalent student, including Period 1 and Period 2 reports; and
- (5) other major annual reports, including:
 - (A) those containing information relating to property, activities, financial condition, or transactions; and
 - (B) those declared by board minutes to be permanent.

(b) The following official actions:

- (1) minutes of the board or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only;
 - (2) elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted or canvassed by the governing board for a board member, the board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose; and
 - (3) records transmitted by another agency that pertain to that agency's action with respect to district reorganization.
- (c) The following personnel records of employees. All detail records relating to employment, assignment, employee evaluations, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for every employee of the school district containing the same data may be classified as Class 1-Permanent, and the detail records may then be classified as Class 3-Disposable.
- (d) The following student records:
- (1) the records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:
 - (A) name of student;
 - (B) date of birth;
 - (C) place of birth;
 - (D) name and address of a parent having custody or a guardian, if the student is a minor;
 - (E) entering and leaving date for each academic year and for any summer session or other extra session;
 - (F) subjects taken during each year, half year, summer session or quarter; and
 - (G) if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.
 - (2) All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1-Permanent records, one year after the claim has been settled or after the applicable statute of limitations has run.
- (e) Property Records. All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger may be classified as Class 1-Permanent, and the detail records may then be classified as Class 3-Disposable, if the property ledger includes:
- (1) all fixed assets;
 - (2) an equipment inventory; and
 - (3) for each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.