

# AP 5040 Student Records: Directory Information, Challenging Content, Access Log

Reference:

*Education Code Section 76200 et seq.; Title 5, 54600 et seq.*

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

### Release of Information

The Imperial Community College District (ICCD) releases directory information regarding current or former students unless students have specifically requested that directory information be kept confidential.

ICCD designates the following as directory information: name, address, phone number, class schedule, dates of attendance, major field of study, awards and degrees received, most recent institution attended, participation in official college activities and sports, weight and height of members of athletic teams, part-time or full-time enrollment status, and photographs.

In completing the admission application, students are provided the opportunity to request that their directory information be maintained as confidential. Students who wish to change their request, may do so in writing to the Admissions and Records Office at any time to become effective within five to ten working days.

### Right to Inspect and Review Records

All currently enrolled or former students have a right to inspect and review all student records relating to them. Student record is defined according to the Family Educational Rights and Privacy Act (FERPA). Students must submit written requests identifying the record(s) they wish to inspect to the Admissions and Records Office.

Access shall be granted no later than 15 school days following the date the written request is received. Within the same 15 school days, the student will be notified of the location of all official student records if not centrally located and qualified personnel will be made available to interpret records where appropriate.

### Right to Request Amendment of Student Records

Students may file a written request with the Superintendent/President to correct or remove information recorded in their student records which they allege 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.

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

If any or all allegations are sustained, the Superintendent/President, or his designee, shall order the correction or removal and destruction of the information. If any or all of the allegations are denied, the student may appeal the decision in writing to the Board of Trustees within 30 calendar days of the denial.

Within 30 days of the receipt of an appeal, the Board of Trustees shall, in closed session with the student and employee who recorded the information in question, if presently employed by the District, determine whether to sustain or deny the allegation(s). If the Board sustains any or all of the allegations, it shall order the immediate correction or removal and destruction of the information. The decision of the Board shall be final.

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

If the decision of the Board is unfavorable to students, or students accept an unfavorable decision by the Superintendent/President, they shall have the right to submit a written statement of their objections which shall become part of their student record until such time as the information to which the objection is made is corrected or removed.

#### **Disclosure of Education Records**

The District may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released.

The District may not permit access to student records to any person without the written consent of the student or under judicial order except:

1. To officials and employees of the District who have a legitimate educational interest to inspect a record.

**A school official is:**

A person employed by the District in an administrative, supervisory, academic, research, support staff, or security position.

A person elected to the Board of Trustees.

A student government officer conducting student elections.

A person employed by or under contract to the District to perform a special task, such as the attorney or auditor.

**School officials have a legitimate educational interest if they are:**

Performing a task that is specified in their position description or by a contract agreement.

Performing a task related to a student's education.

Performing a task related to the discipline of a student.

Providing a service or benefit relating to the student such as health care, counseling, job placement or financial aid.

2. To officials of another school or school system, upon request, in which a student seeks, intends, or is directed to enroll, including local, county or state correctional facilities where educational programs are provided.
3. To certain officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. 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.
6. To organizations conducting certain studies for or on behalf of the College.
7. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, student aid programs, and improving instruction.
8. To accrediting organizations in order to carry out their accrediting functions.
9. To comply with a judicial order or a lawfully issued subpoena.
10. 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.
11. To an alleged victim of any crime of violence of the results of an institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.

### **Right to File Complaints with the Department of Education**

Imperial Valley College students have the right to file complaints with the U. S. Department of Education concerning alleged failures by the College to comply with the Family Educational Rights and Privacy Act. Written complaints should be directed to The Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue SW, Washington, DC 20202-4605; (202) 260-3887; FAX (202) 260-9001.

### **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, the **Chief Admissions and Records Officer or his/her 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.