

Board Policy

Release of Directory Information

BP 5125.1

Students

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board Policy, and Administrative Regulation.

Directory information may not be released to private profit-making entities, except as otherwise provided in this Policy. The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board Policy and Administrative Regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of District students. (Education Code § 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 U.S.C. § 7908; 10 U.S.C. § 503; Education Code § 49603)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board Policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code § 49073)

If the District decides to release directory information, the District shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of the District directory information policy that includes:

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- a. The categories of information that the District has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
 - b. A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the District receives consent as required under state law).
 - c. The recipients of the directory information.
 - d. A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
 - e. The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

The Superintendent or designee shall maintain in writing policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

- a. If the District possesses information that could indicate immigration status, citizenship status, or national origin information, the District shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.
- b. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, the District shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
- c. The District shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
- d. District personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or

information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

- e. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, District personnel shall solicit that documentation or information separately from the school enrollment process.
- f. Where permitted by law, the Superintendent or designee of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Procedures Regarding Information Sharing

The District shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act ("FERPA").

District personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- a. Notify a designated District official about the information request.
- b. Provide students and families with appropriate notice and a description of the immigration officer's request.
- c. Document any verbal or written request for information by immigration authorities.
- d. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, the District shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The District shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

The District's request for written or parental or guardian consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The District shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, the District shall not release the information.

Cross References:

.BP 1112 - Media Relations

BP/AR 1113 - District and School Web Sites

.BP/AR 6164.2 - Guidance/Counseling Services

Legal References:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information



UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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