



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 5040 – STUDENT RECORDS, RELEASE, CORRECTION AND CHALLENGE

This procedure implements Board of Trustees Policy, *BP 5040, Student Records, Directory Information, and Privacy*, and Sections 55020 and 59410 et seq. of Title 5 California Code of Regulations. It shall be construed consistent with Sections 66093.3 and 76200 et seq. of the California Education Code to achieve conformity with the Family Education Rights and Privacy Act (FERPA).

DEFINITIONS

1. Custodian of Records – The Vice Chancellor of Educational Services is designated the District Custodian of Records and shall be responsible for the custody, processing, maintenance, and disposition of District student records.
2. Student Records Officer – The President of each college and the College of Continuing Education shall designate an employee to be the institution's Student Records Officer. This person shall be responsible for the custody, processing, and maintenance of student records on campus.
3. Student – Any person attending or has attended an institution of the San Diego Community College District and for whom educational records or personally identifiable information is maintained by the college/campus/District.
4. Access – Personal inspection and review of a record, an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record.
5. Student Records – Student records will normally include documents filed for admission to the college or campus, grade reports, permanent records of academic work completed, transcripts received from other schools and colleges attended, test scores, counseling information, and correspondence and petitions related to the individual student. These documents will normally include, but not be limited to student's name, address, email, telephone, birth date, residence classification, gender, past and current enrollment, academic and attendance status, educational benefits, ethnic background, high school graduation, courses enrolled, college or campus, major, and identification number.
6. The following information is not considered student records:
 - a. Information provided by a student's parents relating to applications for financial aid or scholarships;
 - b. Confidential letters or statements of recommendation maintained by the District on or before January 1, 1975, provided that such letters or statements are not used for purposes other than those for which they were specifically intended;

- c. Information related to a student compiled by a District officer or employee which remains in the sole possession of the maker and is not accessible or revealed to any other person except a substitute;
 - d. Information related to a student that is created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity or assisting in that capacity, and which is created, maintained, or used only in connection with the provision of treatment to the student and is not available to anyone other than persons providing such treatment; provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice;
 - e. Information maintained by a District law enforcement unit which is necessary and appropriate for such unit to carry out its duties and responsibilities as long as:
 - 1) unit personnel do not have access to other student records;
 - 2) such information is kept apart from other student records; and
 - 3) the information is maintained solely for law enforcement purposes and is available only to law enforcement officials of the same jurisdiction; nor
 - f. Information maintained in the ordinary course of business pertaining to employees of a community college, provided that such information relates exclusively to such person in that person's capacity as an employee and is not available for use for any other purpose.
7. Directory Information – The San Diego Community College District does not identify or release any student record information as “directory information.”

ACCESS TO EDUCATIONAL RECORDS

- 1. Any currently enrolled or former student has a right to access all student records relating to oneself maintained by the District. Access means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any student record.
 - a. A student/former student shall be entitled to two free copies of a transcript of their record. Additional copies shall be made available to the student, or to an addressee designated by the student, at a rate of \$5 per copy. Students may request special processing of a transcript, additional fees may apply.
 - b. The District will not refuse to provide a transcript on the grounds that the student owes a debt condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.
 - c. The District may elect to implement a process for the receipt and transmission of electronic student transcript contingent upon receipt of sufficient funding.

2. If immediate access to a student's record is not possible, the student shall complete a written request to review their student records. The institution shall comply with student's written request for access to their student records no later than 15 working days following the date of the request.
3. Staff authorized to change grades shall be limited to one staff member and one supervisor in the District Records Office as designated by the Vice Chancellor, Educational Services.
4. Access to student academic records shall not be granted to student workers. A student worker is defined as an employee who is not a permanent employee and is attending one or more classes.
5. No instructor, official, employee, or governing board member shall authorize access to student records to any person except under the following condition:
 - a. Officials or employees of the District who have been determined to have legitimate educational interests as required by law. The criteria used to determine "legitimate educational interest" is "need to know."
 - b. These criteria have determined the following categories to have "legitimate educational interest:"
 - 1) Instructional staff when such information will assist such staff in determining or improving the academic success of students under their jurisdiction;
 - 2) Counseling staff when such information will assist the student in achieving their personal, academic, or vocational goals or in understanding and following prescribed college/campus/District regulations;
 - 3) Classified staff who are involved in the creation, analysis, distribution, correction, compilation, or processing of student records;
 - 4) Management or supervisory staff when such information is directly related to the successful completion of management or supervisory duties, as prescribed by the Board of Trustees; and/or
 - 5) Board of Trustees, in appropriate disciplinary cases.
6. Authorized representative of the Comptroller General of the United States, the Secretary of Education, an administrative head of an educational agency, state educational officials, or their respective designees, or the United States Office of Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law. 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 anyone other than those officials, and such personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and/or enforcement of federal legal requirements. 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.

7. 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. The release is subject to the conditions in Education Code 76225.
8. 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 necessary for such purpose as to:
 - a. Determine the eligibility of the student for financial aid;
 - b. Determine the amount of the financial aid or conditions that will be imposed regarding financial aid; or
 - c. To enforce the terms or conditions of the financial aid.
9. 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 student aid programs, and improving instruction, if such studies are conducted in such a manner as to 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.
10. 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 such regulations and applicable federal and state law.
11. Access to student records may be granted to any person for whom the student has executed written consent specifying the records to be released.
12. The following information shall be released to the federal military for the purposes of federal military recruitment: student name, address, telephone listing, electronic mail address, date and place of birth, level of education, major, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled by the student.
13. No student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant, or otherwise required by law. Without a court order or a judicial warrant, written consent must be signed and dated by the student or (if the student is a minor) by the student's parent or guardian before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. The District adheres to practices in accordance with Administrative Procedure, *AP 3415, Immigration Enforcement Activities*.

COURT ORDERS OR SUBPOENAS

Student records shall be released pursuant to:

1. A judicial order or lawfully issued subpoena; and
2. A federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.

LOG OF PERSONS, AGENCIES, OR ORGANIZATIONS

1. A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from student records. Such log shall indicate the reasons why information is being requested and whether the requests are granted. Such listing need not include:
 - a. The names of students who have been permitted access to their own records;
 - b. Parties who have been granted access to student records as a result of a student's written consent; and/or
 - c. Officials or employees having a legitimate educational interest in a student's record as indicated.
2. The log or record shall be open to inspection only by the student and the Custodian of Records 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.

USE OF SOCIAL SECURITY NUMBERS

The District shall not do any of the following:

1. Publicly post or publicly display an individual's social security number;
2. Print an individual's social security number on a card required to access products or services;
3. Require an individual to transmit their social security number over the internet using a connection that is not secured or encrypted;
4. Require an individual to use their social security number to access a website without also requiring a password or unique personal identification number or other authentication device; or
5. 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
 - a. Application or enrollment purposes;
 - b. To establish, amend, or terminate an account, contract, or policy; or
 - c. 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:

1. The use of the social security number is continuous;
2. The individual is provided an annual disclosure that informs the individual that they has the right to stop the use of their social security number in a manner otherwise prohibited;

3. 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;
4. No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

NOTIFICATION TO STUDENT OF THEIR RIGHTS REGARDING STUDENT RECORDS

Students shall be notified of their rights with respect to student records, including the definition of directory information contained herein, and that they may limit the information. (See Attachment A)

CHALLENGE

1. Grade – Students challenging a grade or other non-evaluative symbol must process the request in accordance with Administrative Procedure, *AP 4231, Grade Change*.
2. Content – Students may file a written request with the Vice President of Student Services to correct or remove information recorded in their student record that the student alleges to be:
 - a. Inaccurate;
 - b. An unsubstantiated personal conclusion or inference;
 - c. A conclusion or inference outside of the observer's area of competence; or
 - d. Not based on the personal observation of a named person with the time and place of the observation noted.

CONTENT CHALLENGE PROCESS

1. Formal Resolution
 - a. Within 30 working days of receipt of the written request, the Vice President, Student Services shall meet with the student and the employee who recorded the information or their supervisor, as appropriate, to review all information and evidence.
 - b. The Vice President, Student Services shall make a recommendation to the college President to either sustain or deny the allegation(s).
 - c. The President shall review the recommendation and make a decision. The decision shall be in writing and sent to the student within five (5) days.

If the decision of the President is to sustain any or all of the allegations, the President shall order the Vice Chancellor, Educational Services or designee to immediately correct or remove and destroy the information.

If the decision of the President is not to remove the information, the student may appeal the decision in writing to the Chancellor within ten (10) calendar days of the President's decision.

2. Appeal to the Chancellor

- a. Within 30 days of receiving such an appeal, the Chancellor or their designee shall meet with the student and the employee, or their supervisor as appropriate. In the event the employee is no longer employed, the direct supervisor shall represent the employee to determine whether to sustain or deny the allegations. The meeting shall be confidential.
- b. If the Chancellor or designee sustains the allegations, they shall order the Vice Chancellor, Educational Services, or designee to immediately change the record. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Chancellor unless the student initiates legal proceedings relative to the disputed information within the prescribed period.
- c. The Chancellor or designee shall notify the student in writing of the final decision within 10 working days of the meeting with the student. The decision shall be final.
- d. If the final decision of the Chancellor or designee is unfavorable to the student, the student shall have the right to submit a written statement of their objections to the information. This statement shall become a part of the student's record.
- e. Whenever there is included in any student record information concerning any disciplinary action taken by the District, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

NAME AND GENDER CHANGES TO FORMER STUDENT RECORDS

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

1. State-issued driver's license or identification card;
2. Birth certificate;
3. Passport;
4. Social security card;
5. Court order indicating a name change or gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

A graduating student may request that the District confer the diploma in the student's chosen name. The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma.

References: Education Code Sections 66093.3, 66271.4 and 76200 et seq.;
Title 5 Section 54600 et seq.;
10 U.S. Code Section 503;
20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
ACCJC Accreditation Standard II.C.8; and
Family Education Rights and Privacy Act

Approved by
the Chancellor: October 6, 2022

Supersedes: AP 3001.1 – 08/28/08; 04/13/10; 11/09/16; AP 5040 – 04/25/22