



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3001.1 – STUDENT RECORDS, RELEASE, CORRECTION AND CHALLENGE

This procedure implements Board Policy 3001, as well as Section 55020 et seq. of Title 5 California Code of Regulations and shall be construed consistent with Section 76200 et seq. of the California Education Code to achieve conformity with the Family Education Rights and Privacy Act (FERPA).

1. DEFINITIONS

- a. Custodian of Records - The Vice Chancellor, Student Services is designated the District Custodian of Records and shall be responsible for the custody, processing, maintenance and disposition of District student records.
- b. Student Records Officer - The President of each college and 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.
- c. Student - Student means any person who is 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.
- d. Access - Access means a 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.
- e. 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.
- f. The following information is not considered student records:
 - 1) Information provided by a student's parents relating to applications for financial aid or scholarships;
 - 2) 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;

- 3) 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;
 - 4) Information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her 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;
 - 5) 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, (3) the information is maintained solely for law enforcement purposes and is available only to law enforcement officials of the same jurisdiction;
 - 6) Information maintained in the normal course of business pertaining to persons who are employed by 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.
- g. Directory Information - The San Diego Community College District does not identify or release any student record information as "directory information."

2. ACCESS TO EDUCATIONAL RECORDS

- a. Any currently enrolled or former student has a right to access any and all student records relating to him/her 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.
- b. If immediate access to a student's record is not possible, the student shall complete a written request to review his/her student records. The institution shall comply with student's written request for access to his/her student records no later than 15 working days following the date of the request.
- c. 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, Student Services.
- d. 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.
- e. No instructor, official, employee, or governing board member shall authorize access to student records to any person except under the following condition:

- 1) 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."
- 2) The following categories have been determined by these criteria to have "legitimate educational interest:"
 - a) Instructional staff when such information will assist such staff in determining or improving the academic success of students under their jurisdiction;
 - b) Counseling staff when such information will assist the student in achieving his/her personal, academic, or vocational goals or in understanding and following prescribed college/campus/District regulations;
 - c) Classified staff who are involved in the creation, analysis, distribution, correction, compilation or processing of student records;
 - d) 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;
 - e) Board of Trustees, in appropriate disciplinary cases.
- f. 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 collection of personally identifiable information is specifically authorized by federal law, any data collected by those official shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and 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.
- g. 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.
- h. 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 such purposes as to determine the eligibility of the student for 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 condition of the financial aid.
- i. 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.

- j. 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 applicable federal and state law.
- k. Access to student records may be granted to any person for whom the student has executed written consent specifying the records to be released.
- l. The following information shall be released to the federal military for the purposes of federal military recruitment: student names, address, telephone listings, date and place of birth, level of education, degrees received, prior military experience and/or the most recent previous educational institutions enrolled by the students.

3. COURT ORDERS OR SUBPOENAS

- a. Student records shall be released pursuant to a judicial order or lawfully issued subpoena.
- b. 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.

4. LOG OF PERSONS, AGENCIES OR ORGANIZATIONS

- a. 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 such information is requested and whether such requests are granted. Such listing need not include:
 - 1) The names of students who have been permitted access to their own records;
 - 2) Parties which have been granted access to student records as a result of a student's written consent;
 - 3) Officials or employees having a legitimate educational interest in a student's record as indicated.
- b. 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.

5. NOTIFICATION TO STUDENT OF HIS/HER 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).

6. CHALLENGE

- a. Grade – Students challenging a grade or other non-evaluative symbol, must process the request in accordance with Procedure 3001.2 *Grade Challenge Procedure*.
- b. Content – Students may file a written request with the Vice President, Student Services to correct or remove information recorded in his/her student record that 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.

7. CONTENT CHALLENGE PROCESS

a. Formal Resolution

- 1) 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.
- 2) The Vice President, Student Services shall make a recommendation to the college President to either sustain or deny the allegation(s).
- 3) 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.
- 4) If the decision of the President is to sustain any or all of the allegations, the President shall order the Vice Chancellor, Student Services or designee, to immediately correct or remove and destroy the information.
- 5) If the decision of the President is not to remove the information, the student may appeal the decision in writing to the Chancellor within 10 calendar days of the President's decision.

b. Appeal to the Chancellor

- 1) Within 30 days of the receipt of such an appeal, the Chancellor or his/her 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.
- 2) If the Chancellor or his/her designee sustains the allegations, he/she shall order the Vice Chancellor, Student 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.

- 3) The Chancellor or his/her 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.
- 4) 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 his/her objections to the information. This statement shall become a part of the student's record.
- 5) 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.

References: Education Code Sections - 76222, 76232; Title 5 Section 54630
Family Education Rights and Privacy Act

Approved by
the Chancellor: November 9, 2016

Supersedes: 8/28/08; 4/13/10