

## AR 5045 STUDENT RECORDS – CHALLENGING CONTENT AND ACCESS LOG

**NOTE:** The language in red ink is legally required. Local practice may be inserted if it substantially complies with the following elements, which reflect the minimum requirements of the Education Code.

### **Challenging Content**

Any student may file a written request with the [designate position] to correct or remove information recorded in his/her student records 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.

Within 30 days of receipt of the request, the [designate position] shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the District. The [designate position] shall then sustain or deny the allegations.

If the [designate position] sustains any or all of the allegations, he/she shall order the correction or removal and destruction of the information. If the [designate position] 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 [insert District option for appeals process].

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, determine whether to sustain or deny the allegations. If the Board sustains any or all of the allegations, it shall order the Superintendent/President or his/her designee, to immediately correct or remove and destroy the information. The decision of the Board of Trustees shall be final.

If the final decision 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 until the information objected to is corrected or removed.

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 response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

### **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 [designate position], 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.

**NOTE:** *If the District decides to include provisions related to the security of student records that information can appropriately be included here.*

**References:**

Education Code Sections 76222 and 76232;  
Title 5 Section 54630

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**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 2008. The language in yellow highlighting is included to draw the reviewers' attention, and this language will be removed upon final approval.*

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**Approved:**

*(This is a new regulation)*

**76222.** A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate interests therefor. The listing need not include any of the following:

- (a) Students to whom access is granted pursuant to Section 76230.
- (b) Parties to whom directory information is released pursuant to Section 76240.
- (c) Parties for whom written consent has been executed by the student pursuant to Section 76242.
- (d) Officials or employees having a legitimate educational interest pursuant to subdivision (a) of Section 76243.

The log or record shall be open to inspection only by the student and the community college official or his or her designee responsible for the maintenance of student records, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency as defined in Public Law 93-380, and state educational authorities as a means of auditing the operation of the system.

**76232.** (a) Any student may file a written request with the chief administrative officer of a community college district to correct or remove information recorded in his 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.

(b) Within 30 days of receipt of the request, the chief administrative officer, or his 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 chief administrative officer or his or her designee shall then sustain or deny the allegations.

If the chief administrative officer, or his or her designee, sustains any or all of the allegations, he or she shall order the correction or removal and destruction of the information.

If the chief administrative officer, or his 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 governing board of the community college district.

(c) Within 30 days of receipt of an appeal, the governing board 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.

If the governing board sustains any or all of the allegations, it shall order the chief administrative officer, or his or her designee, to immediately correct or remove and destroy the information.

The decision of the governing 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 governing board unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

(d) 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 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.

**54630.** Challenging Content of Records.

Any student may challenge the content of his or her student records pursuant to Education Code section 76232. The decision of the chief administrative officer and governing board must be in writing.