

**CALIFORNIA COMMUNITY COLLEGES  
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May 13, 2009

Bob Hughes  
Application Support Manager  
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1830 Romneya Drive  
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**To:** Bob Hughes  
CCCTran Steering Committee Chair

**From:** Jonathan Lee  
Staff Counsel

**Subject:** CCCTran Transcript Fees  
**Legal Opinion O 09-02**

Dear Mr. Hughes:

In April of 2009, you requested our legal opinion related to issues surrounding the CCCTran program. Specifically you asked:

1. Is it appropriate for California community college districts (district or college) to charge a per-transcript fee for an entirely electronic transcript (one that does not entail the direct costs of printing, labor, postage, etc.) if the student has already received his or her first two transcripts?
2. Is it appropriate for a district to charge an "expedited service fee" for transcripts generated and transmitted electronically?
3. When another institution (such as a California State University) requests an electronic transcript from a district on behalf of a transferring student, is it appropriate to hold the transcript until the transferring student pays a fee to the district?

**Background**

CCCTran is a web-based electronic transcript system between districts and their trading partners. CCCTran enables the community colleges to transfer student transcripts within the state's 110

colleges and between the University of California (UC), California State University (CSU), as well as other higher educational institutions in-and-out of state. The original Request for Applications (RFA) for this project took place in 1999 and was awarded to Yuba and Contra Costa. After years of system development and design, CCCTran was finally released in July of 2007. Currently over 51,000 transcripts have been uploaded to the system with over 40 colleges throughout the state participating. All indications seem to point to an even greater usage and increased participation in the near future.

**1. Is it appropriate for California community college districts (district or college) to charge a per-transcript fee for an entirely electronic transcript (one that does not entail the direct costs of printing, labor, postage, etc.) if the student has already received his or her first two transcripts?**

Education Code section 76223 governs what charges can be made by community colleges in regards to transcript requests. It states:

“Any community college may make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any student record; provided, however, that no charge shall be made for furnishing (1) up to two transcripts of students' records or (2) up to two verifications of various records of students. No charge may be made to search for or to retrieve any student record.”

Education Code section 76223 sets clear limits as to what a district can charge for transcripts. Those costs are limited to only the direct costs of distributing those transcripts. Electronic transcript fees derived from use with CCCTran should be treated no differently. The direct costs of CCCTran could include labor, system maintenance, operational costs, participation in the program, etc. As noted in our Student Fee Handbook (also known as Legal Opinion M 06-11), any attempt to make these per-transcript fees flat should be based on an actual demonstrable cost.

Based on the above reasoning, districts can charge a per-transcript fee for transcripts ordered through CCCTran. These fees must be based on the actual costs of implementing the program. Those costs may include features unique to the CCCTran program and are not limited to the traditional costs of operating standard transcript retrieval programs.

**2. Is it appropriate for a district to charge an “expedited service fee” for transcripts generated and transmitted electronically?**

The Student Fee Handbook noted that districts may offer expedited copying for an additional fee. This allowance is conditioned on the fact that this service is optional. If a student can still retrieve her records without an enhanced charge for expedited service this practice would be allowed. It should be noted, if a situation arose where CCCTran becomes the only option for students to retrieve transcripts, this expedited surcharge would be prohibited.

Currently, however, there is no indication that the more traditional form of transcript requests would cease to operate upon the full implementation of CCCTran. CCCTran is a system that would provide an additional method for students to retrieve their records. Students would have the option to use CCCTran or not.

Additionally, CCCTran is an expedited service. The very nature of the CCCTran system is that it can generate and transmit documents instantaneously. Anyone receiving a transcript from CCCTran would receive those results potentially within seconds, and at the slowest on a daily basis. As standard waiting periods can take weeks, students using CCCTran would not have to wait the usual waiting period as required in the Student Fee Handbook.

Thus, schools using the CCCTran service may charge an expedited service fee for transcripts generated and transmitted electronically, if a student chooses to use this service over other nonexpedited transcript retrieval services.

**3. When another institution (such as a California State University) requests an electronic transcript from a district on behalf of a transferring student, is it appropriate to hold the transcript until the transferring student pays a fee to the district?**

The current practices governing fees and standard transcript requests from outside institutions should apply to this situation. If a college currently requires a transferring student to pay fees prior to sending a standard transcript to another college, then that same process should hold true for electronic transcripts retrieved through CCCTran.

**Conclusion**

CCCTran is a new service that is being offered by colleges that can instantaneously generate and transmit transcripts upon request. Fees for this new service should be based on the actual costs of running this program. Expedited fees may be charged by colleges for using this service as long as other transcript services remain available. All other practices related to fees and transcripts should make no distinction between electronic and standard transcript requests.

cc: Steve Bruckman, Executive Vice Chancellor of Internal Operations  
and General Counsel  
Patrick Perry, Vice Chancellor, Technology, Research and Information Systems  
Catherine McKenzie, Systems Software Specialist III

SB/JL/fr/me