

**Billings School District 2**

**STUDENTS**

Student Records

Challenges to Student Records - Hearings

Parents or eligible students have the right to request student record corrections that they believe are inaccurate, misleading or in violation of their privacy rights. The school will review the record at written request of parent and will provide written notification to the parent or student of their decision concerning the student's record. If the school denies record amendment, the parent or student must be informed of their rights to a hearing. If parent or eligible student provides to the principal a written request for a hearing, the following procedure will be utilized in a reasonable time after receiving the request:

The parents or eligible student will be notified reasonably in advance of the date, place, and time of hearing.

The hearing will be conducted by a Hearing Officer who is a disinterested party but who may be an official of the District.

Parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student records. The parents or eligible student may, at their own expense, be assisted by one or more individuals, including an attorney.

The Hearing Officer will prepare a written decision, in a reasonable period of time, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reason(s) for the decision.

If the Hearing Officer's findings conclude that the challenged information is not inaccurate, misleading, or in violation of the student's rights of privacy, parents/student will be notified that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision which will be maintained as part of the record as long as the contested portion is maintained. These statements will be disclosed if the contested portion of the record is disclosed.

If the Hearing Officer decides that the information is inaccurate, misleading or in violation of the student's right to privacy, the school will amend the record and will given written notification to the parents or eligible student that the record has been amended.

The decision of the Hearing Officer may be appealed to the Superintendent to provide assurance that all due process rights of the student was afforded. This appeal must be made in writing to the Superintendent within five days of the receipt of the notification of the decision. If the

decision of the Superintendent is that procedural due process was not followed and this substantially affected the fairness of the hearing, he/she shall order a new hearing. The decision of the Superintendent cannot be appealed.

**Implementing Policy 3600 Student Records**

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| <u>Cross References:</u> | Policy 6430       | Development of Administrative Procedures  |
|                          | Policy 3606       | Transfer of Student Records   |
|                          | Procedure 3600-P1 | Student Records   |
|                          | Procedure 3600-P3 | Withholding Records for Financial Obligation  |
|                          | Procedure 3600-P4 | Student Record Safeguard List   |
|                          | Procedure 3600-P5 | Special Education Records   |
|                          | Form 3600-F1      | FERPA Notification  |
|                          | Form 3600-F2      | Letter Notifying Parent of Financial Obligation & Withholding of Records                    |
|                          | Form 3600-F3      | Letter Notifying Montana School of Financial Obligation & Withholding of Records            |
|                          | Form 3600-F4      | Letter Notifying Montana School that Financial Obligation was Met & Records can be Released |

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| <u>Legal References:</u> | Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR 99    |   |
|                          | Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR 99.31 |   |
|                          | § 20-5-201, MCA  | Duties and sanctions  |
|                          | § 40-4-225, MCA  | Access to records by parent                                 |
|                          | § 41-5-215, MCA  | Youth court and department records – notification of school |
|                          | 10.55.909, ARM   | Student records   |

Procedure History:

Issued by Superintendent on: February 28, 2005

Presented to Board on: March 21, 2005

Revised on: