

CHALLENGING STUDENT RECORDS

A. Purpose and Scope

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted.
5. Misleading
6. In violation of the privacy or other rights of the student

B. General

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Prior to a meeting with the Superintendent or designee the request is forwarded to the school principal. The principal will make a ruling on the challenge in writing.

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

C. Forms Used And Additional References

None

CHALLENGING STUDENT RECORDS (Continued)**D. Procedures**

1. If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)
2. If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)
3. The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's records. (Education Code 49070)
4. Hearing Panel: Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)
 - a. Either the superintendent of schools or the governing board may convene a hearing panel composed of the following persons:
 - (1) The principal of a public school other than the one at which the record is on file.
 - (2) A certificated employee appointed by the parents or guardian.
 - (3) A parent appointed by the Superintendent or by the governing board, depending upon who convenes the panel.
 - b. The persons appointed pursuant to the above paragraph shall, if possible, not be acquainted with the pupil, his/her parents or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.

CHALLENGING STUDENT RECORDS (Continued)

- c. The principal appointed to the hearing panel shall serve as chairperson.
- d. The hearing panel shall in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in questions, in any and if such employee is presently employed by the district.
 - (1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy
 - (2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the superintendent or the governing board, depending upon who convened the panel.
- e. Written findings shall be made setting forth the facts and decisions of the panel and such findings shall be forwarded to the superintendent or the Governing Board, depending upon who convened the panel. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.
- f. Whenever there is included in any pupil record information concerning any disciplinary action taken by district personnel in connection with the pupil, the pupil's parents or guardian may include in such pupil's record a written statement or response concerning the disciplinary action. (Education Code 49072)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

E. Records Required

None

CHALLENGING STUDENT RECORDS (Continued)

F. Record Retention

None

G. Responsible Administrative Unit

Educational Services Division

Student Services

School Principals

H. Approved By:

Assistant Superintendent of Educational Services