



Amendments to Student Records

6.602.1p

Standard Operating Procedure Outline

Category:	Students	Department:	Chief Operating Officer		
Procedure:					
Policy Reference #:	6.602	Version:	1.0	Date Revised:	9.20.23

Operational Objective(s):

To provide a procedure for the inspection and amendment of student records upon request by a parent or eligible student¹ in accordance with the Family Educational Rights and Privacy Protection Act (FERPA) at 20 U.S.C. § 1232g & 34 C.F.R. § 99.

Inspection Procedures:

FERPA provides parents the right to inspect and review their student's education records upon request. Requests for inspection shall be submitted in writing to the school principal. The principal or their designee shall respond to such requests in writing within 14 calendar days of receipt. If the record is not maintained by the school or by Metro Nashville Public Schools (MNPS), the principal or their designee shall advise the parent of such and of the correct official to whom the request should be made, if known. If the school or MNPS is the custodian of the education record and the record is subject to inspection under FERPA, the principal or their designee shall, in the written response, schedule a mutually agreeable date and time that the parent may review the records. The review date shall occur within 45 calendar days of the request.

Amendment Procedure:

FERPA provides parents the right to request amendment of education records that they believe contain information that is inaccurate, misleading, or in violation of the student's right of privacy. MNPS shall not consider requests for substantive amendments such as changes to grades, special education placement decisions, or results of disciplinary actions. For example, a request may be made due to a grade being improperly recorded, but it may not be made based on the argument that the grade is improper due to the quality of the student's work.

Requests for amendment shall be submitted in writing to the school principal. To be considered, the request must:

1. Clearly identify the part of the record to which the parent is requesting an amendment;
2. Provide a copy of the record to which the parent is requesting an amendment (if available to the parent) and;
3. Explain why the record is inaccurate or misleading or violates the student's privacy rights.

¹ A student becomes an "eligible student" when they reach age 18 or enroll in a post-secondary school, at which time all of the above rights under FERPA transfer from the parent to the student.

MNPS shall not consider any request that does not satisfy these requirements.

Within 30 calendar days of receipt of a complete request to amend a record, the principal or their designee shall provide the parent with a written response to the request. The response shall state whether MNPS will make the requested amendment(s). If the request is granted, the amendment shall be made within 30 calendar days. Reasonable extensions of time are permitted if required due to exceptional circumstances. The parent will be notified in writing of the correction upon its completion. If the request is denied, the response shall state the reason for the denial and notify the parent of their right to request a hearing. The response shall provide instructions for requesting a hearing and shall state that a hearing request must be made within 30 calendar days of the denial. If the parent's request was for a substantive amendment prohibited by this policy, the response shall not contain information regarding the right to a hearing.

Hearing Procedure:

If MNPS denies a parent's request to amend a record they believe contains information that is inaccurate, misleading, or in violation of the student's right of privacy, the parent may request a hearing by submitting a written hearing to RecordsCenter@mnps.org or to:

MNPS Records Center
2601 Bransford Ave.
Nashville, TN 37204
Phone: 615-259-8732

To be considered, the request must:

1. Be received by the MNPS Records Center within 30 calendar days of the denial;
2. Clearly identify the part of the record to which the parent is requesting an amendment;
3. Provide a copy of the record to which the parent is requesting an amendment (if available to the parent);
4. Explain why the record is inaccurate or misleading or violates the student's privacy rights;
5. Include a copy of the initial denial of the parent's request to amend the record.

MNPS shall not consider any request that does not satisfy these requirements. Within 14 calendar days of receipt of the hearing request, the Records Center shall notify the parent as to whether MNPS will grant the request for a hearing. The Record Center shall work with the parent to schedule the hearing for a mutually agreeable date and time within 45 calendar days of receipt of the hearing request. The Record Center shall provide the parents with information regarding their rights at the hearing, as outlined in this procedure.

The hearing may be in-person or remote, at MNPS' discretion and depending on the circumstances. The hearing shall be closed to the public and audio recorded. It shall not be subject to formal rules of evidence or procedure. The burden of proof is on the party requesting the FERPA hearing.

Pre-hearing Requirements

No later than 15 calendar days before the hearing, the parent must provide the hearing officer and MNPS:

1. The name of any advisor, including an attorney, who will accompany and/or represent the parent on the matter.

No later than 10 calendar days before the hearing, each party must provide the hearing officer and the other party:

1. Copies of any documents the party wishes the hearing officer to consider; and
2. The name and title/relation of any witness the party wishes to present. Witnesses who are not parties may only be present while testifying.

Untimely submissions may be denied.

Conduct of the Hearing

1. Parents have the following rights:
 - a. To present documentary evidence and witness testimony that supports why the information in the education record is inaccurate, misleading, or in violation of the student's right of privacy (evidence about substantive decisions by MNPS employees will not be considered);
 - b. To question witnesses;
 - c. To have a hearing officer who does not have a direct interest in the outcome of the hearing; and
 - d. Bring an advisor to the hearing, including an attorney at the parent's own expense and choosing.
2. MNPS has the following rights:
 - a. To select a hearing officer in accordance with FERPA requirements. The hearing officer may be any MNPS official who does not have a direct interest in the hearing outcome;
 - b. To present documentary evidence and witness testimony that supports why the information in the education record is not inaccurate, misleading, or in violation of the student's right of privacy;
 - c. To question witnesses; and
 - d. To be represented by an attorney if the parent is represented by an attorney.
3. Role of the Hearing Officer:
 - a. To order a pre-hearing conference to clarify the issues to be addressed at the hearing, to resolve preliminary matters, and answer any questions the parties may have regarding the FERPA hearing process;
 - b. To maintain control of the hearing;
 - c. To allow both parties the opportunity to present evidence relevant to the issues raised;
 - d. To determine whether particular evidence presented is relevant to the record and issue(s) in question;
 - e. To exclude evidence and testimony outside the scope of this procedure;
 - f. To limit the amount of time allowed by each side for presentations, as needed;
 - g. To make their decision solely on the evidence presented at the hearing; and
 - h. To issue a written decision summarizing the evidence and the reasons for the decision within 45 calendar days of the hearing.

Hearing Outcome

If the hearing officer finds that the record is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, MNPS shall amend the record within 30 calendar days of the hearing officer's decision. Reasonable extensions of time may be granted at the discretion of the hearing officer. The parent will be notified in writing of the correction upon its completion.

If the hearing officer finds that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, MNPS will notify the parent of the right to place a statement in the record commenting on the contested portion of the record, or stating the parent disagrees with the decision not to amend, or both. MNPS will maintain this statement with the contested portion of the student's education record for as long as the record is maintained. The statement will be disclosed whenever MNPS is required to disclose the portion of the record to which the statement relates.

The hearing officer's decision is final.

Performance Measure/Accountability

Continuous evaluation of procedure to ensure efficiency and compliance with all regulations.

Maintenance Responsibility

The Director of Schools or their cabinet level designee is responsible for maintenance of this document and questions regarding this memo.