BP-5125.2(a)

CHALLENGING STUDENT RECORDS

Request to Amend Records

The parent of a student or an eligible student who believes that information in an education record relating to the student is inaccurate, misleading, or in violation of the student's rights of privacy, may request that the District amend the record. Such requests shall be made in writing the superintendent or the superintendent's designee. The record amendment process is not available to request changes to substantive decisions by the district, such as student discipline decisions and grade challenges. The parent or eligible student must use the designated processes available to appeal those substantive decisions.

The superintendent or the superintendent's designee shall, within a reasonable period of time following such a request, decide whether to amend the record and shall inform the parent or the eligible student in writing of its decision. If the district decides not to amend the record, it shall advise the parent or eligible student of the right to a hearing to challenge the district's decision.

Request for a Hearing

If the district decides not to amend a student record, the parent of the student or the eligible students may request a hearing.

Requests for a hearing shall be made within ten (10) days after notice of the district's decision is delivered to the parent or eligible student. The request for a hearing must be in writing, and shall be made to the superintendent or superintendent's designee.

Conduct of the Hearing

The district will hold the hearing within ten (10) days after it has received the request. The district will give the parent or eligible student notice of the date, time and place, reasonably in advance of the hearing.

The hearing may be conducted by an individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.

The parent or eligible student will have a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals, including an attorney.

A written decision will be issued within five (5) day after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Remedies

If, after hearing, the hearing officer determines that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the district shall amend the record.

CHALLENGING STUDENT RECORDS (continued)

If the hearing officer decides that the information contained in the record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the district shall so inform the parent or eligible student. The hearing officer's decision shall be final. However, the parent or eligible student may place a statement in the record commenting on the information in dispute and/or describing why the parent or eligible student disagrees with the hearing officer's decision. This statement shall be maintained with the record as long as the district maintains the contested portion of the record. If the district discloses the record, or the contested portion of the record to any person, the statement must also be disclosed.

Legal Reference:

ALASKA STATUTES
14.30.193 Due process hearing
14.30.272 Procedural safeguards
14.30.335 Eligibility for federal funds

ALASKA REGULATIONS
4 AAC 52.520 Parental request for amendment of records
4 AAC 52.550 Due Process hearing

UNITED STATES CODE
Family Educational Rights and Privacy Act, 20 U.S.C 1232g

CODE OF FEDERAL REGULATIONS
34 C.F.R. 99.20-22

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