

Regulation reorganized and updated to reflect the requirement to notify a parent/guardian when the superintendent corrects or removes a student record following an appeal in which the board grants the parent/guardian's request. Regulation also adds material on the composition and conduct of the hearing panel that may be established to assist in making determinations regarding challenges to student records.

Students

AR 5125.3

CHALLENGING STUDENT RECORDS

At the beginning of each school year or, for a student enrolled after the beginning of the school year, at the time of enrollment, parents/guardians shall be notified of the availability of the following procedures for challenging the contents of student records. Any student who is 18 years of age or attends a postsecondary institution shall have the sole right to challenge the contents of his/her records in accordance with the following procedures. (Education Code 49061, 49063)

Procedures for Challenging Records

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; 34 CFR 99.20)

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

Within 30 days of receiving a request to correct or remove any information from a record, the Superintendent or designee shall meet with the parent/guardian and the district employee who recorded that information, if he/she is presently employed by the district. (Education Code 49070)

~~If the challenge involves a student's grade, the teacher who gave the grade shall be given an opportunity to state, orally and/or, in writing, or both, the reasons for which the grade was given. Insofar as practicable, the teacher/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)~~

Resolution of Challenge/Appeals

~~After considering all relevant information, 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 or designee shall then sustain or deny the parent/guardian's allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent or designee shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent or designee denies the allegations, the parent/guardian may, ~~write~~ within 30 days, ~~to~~ appeal the decision in writing to the Governing Board. ~~of Trustees.~~ Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the district employee ~~(if still employed)~~ who recorded the information, ~~if he/she is presently employed by the district. in question.~~ The Board shall then decide whether ~~or not~~ to sustain or deny the allegations. ~~The decision. If it sustains any or all of the Board's allegations, the Superintendent shall be final.~~ ~~immediately correct or remove and destroy the information from the student's records.~~ (Education Code 49070)

~~If the Board sustains any or all the decision of the allegations, the Board shall be final. If the decision of the Superintendent or designee shall immediately order the correction or removal and destruction of the pertinent information from the student's records and shall inform Board is unfavorable to the parent/guardian in writing that the information has been corrected or destroyed.~~ (Education Code 49070)

~~If, the parent/guardian does not file an appeal, or if the appeal is denied by the Board, the parent/guardian shall be informed of his/her shall have the right to submit a written objection to the information. Any statement submitted by the parent/guardian shall be maintained with the contested of objections. This statement shall become a part of the student's record for as long as the record is maintained and shall be disclosed whenever the related part of the record is disclosed.~~ (Education Code 49070; 34 CFR 99.21)

Hearing Panel

~~Both the Superintendent or designee and/or the Board may appoint have the option of appointing a hearing panel to assist in making determinations regarding a challenge to student records or an appeal, as applicable, provided that the parent/guardian gives written consent to releasing relevant student record information to the panel members. Such a the decision. The hearing panel shall consist may be used at the discretion of the following persons:~~ (Education Code 49071)

1. A chairperson who is a principal of a public school other than the school at which the record is on file

2. A certificated employee appointed by the district's certificated employee council or, if no such council exists, by a parent/guardian

3. A parent/guardian appointed by the Superintendent or designee or the Board, whoever convenes the panel provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

If possible, ~~The right to challenge a record becomes the members sole right~~ of the hearing panel shall not be acquainted with the student, his/her parent/guardian, or the employee who recorded the information, except when the parent/guardian appoints the certificated employee pursuant to item #2 above. ~~student becomes 18 or attends a postsecondary institution.~~ (Education Code 49071~~49061~~)

The panel shall be provided with verbatim copies of the information that is the subject of the controversy. The panel shall, in closed session, hear the parent/guardian's objections to the student record and, if the employee is presently employed by the district, the employee's testimony. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The panel shall submit, to the Superintendent or designee or the Board as applicable, its written findings setting forth the facts and decisions of the panel. (Education Code 49071) ~~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)