

CHALLENGING STUDENT RECORDS

If a parent/guardian is not satisfied after challenging their student's records at a meeting with the principal/designee, the parent/guardian of any student may submit to the Superintendent or designee, a written request to correct or remove from is/her child's records, any information concerning the child which he/she alleges to be: (Education Code 49070)

(cf. 5125 (g) - Student Records)

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.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5125 - Student Records)

Within 30 days of receiving the request, 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. If the allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

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)

Before any student grade is changed either by the Superintendent or at the decision of the Board, the teacher who gave the grade shall be given an opportunity to say why the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to the grade change. (Education Code 49070)

CHALLENGING STUDENT RECORDS (continued)

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 record until such time as the information in question is removed. (Education Code 49070)

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) (Note: See Education Code 49071 for restrictions on membership of this type of hearing panel.)

The right to challenge 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, parent/guardians shall be notified of the availability of the above procedures for challenging student record. (Education Code 49063)

(cf. 5145.6 - Notifications Required by Law)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

232G Family Educational and Privacy Rights Act of 1974