

Regulation 5125.3: Challenging Student Records

Status: ADOPTED

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***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 student's **child's** records any information concerning the student **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-

~~(cf. 5121 – Grades/Evaluation of Student Achievement)~~

~~(cf. 5125 – Student Records)~~

~~When a student grade~~ ***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 challenged 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, ~~he/she~~ **the teacher** 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)

~~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~~

### **Resolution of Challenge/Appeals**

~~After considering all relevant information, 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 ~~S~~superintendent **or designee** shall order the correction or removal and destruction of the information. (Education Code 49070)

If the ~~S~~superintendent **or designee** denies the allegations, the parent/guardian may ~~write~~, within 30 days ~~to~~, appeal the decision **in writing** 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 **District** employee (if still employed) who recorded the information in question, **if he/she is presently employed by the District**. The Board shall then decide whether ~~or not~~ to sustain or deny the allegations. ~~if it~~ **The decision of the Board shall be final. (Education Code 49070)**

**If the Board** sustains any or all of the allegations, the ~~S~~superintendent **or designee** shall immediately ~~correct~~ **order the correction** or ~~remove~~ **removal** and ~~destroy~~ **destruction of** the **pertinent** information from the student's records. ~~(Education Code 49070)~~

The decision of the Board **and** shall be final. ~~If the decision of the superintendent or Board is unfavorable to~~ inform the parent/guardian, **in writing that the information has been corrected or destroyed. (Education Code 49070)**

~~If the parent/guardian shall have~~ **the does not file an appeal, or if the appeal is denied by the Board, the parent/guardian shall be informed of his/her** right to submit a written **objection to the information. Any** statement of objections. ~~This statement shall become a~~ **submitted by the parent/guardian shall be maintained with the contested** part of the student's record. ~~(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 **for as long as the** record information to panel members. ~~(Education Code 49070, 49071)~~

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, parents/guardians shall be notified of the availability of the above procedures for challenging student records. ***is maintained and shall be disclosed whenever the related part of the record is disclosed.*** (Education Code 49063)

{cf. 5145.6 – Parental Notifications}