

CSBA Sample

Administrative Regulation

Students

AR 5125.3(a)

CHALLENGING STUDENT RECORDS

Note: The following administrative regulation provides a process by which, pursuant to Education Code 49070, parents/guardians and students who are 18 years old or attending a postsecondary institution may request an amendment to any incorrect, inaccurate, or misleading information in student records maintained by the district. For details of student records that the district may maintain, see BP/AR 5125 - 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 **above 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.~~ (Education Code **49061**, 49063)

Comment [mg1]: Due to Pacifica School District being a K-8 only.

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

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 ~~with the district employee (if still employed)~~ who recorded ~~the that~~ information ~~in question, if he/she is presently~~

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employed by the district. ~~The Superintendent shall then sustain or deny the allegations.~~
(Education Code 49070)

AR 5125.3(b)

CHALLENGING STUDENT RECORDS (continued)

~~If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)~~ [MOVED TO SECTION "RESOLUTION OF CHALLENGE/APEALS"]

~~When a student grade is challenged, 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 a~~ student's grade as determined by the teacher shall be final. (Education Code 49066)

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

Resolution of Challenge/Appeals

After considering all relevant information, ~~If~~ 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. 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. **The decision of the Board shall be final.** (Education Code 49070)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

~~The decision of the Board shall be final.~~ **If the parent/guardian does not file an appeal, or if the appeal is denied by the Board, decision of the Superintendent or Board is unfavorable to the parent/guardian,** the parent/guardian shall **be informed of his/her** ~~have the~~ right to submit a

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written statement of objections to the information. This statement shall become a part of the student's record. Any statement submitted by the parent/guardian shall be maintained with the contested part of the 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)

AR 5125.3(c)

CHALLENGING STUDENT RECORDS (continued)

Hearing Panel

Note: The following optional section is for use by districts that choose to use a hearing panel to assist in making determinations regarding challenges to student records, as authorized by Education Code 49071.

Both The Superintendent or designee and/or the Board have the option of appointing may appoint a hearing panel to assist in making the decision determinations regarding a challenge to student records or an appeal, as applicable. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian gives written consents to releasing relevant student record information to the panel members. Such a hearing panel shall consist of the following persons: (Education Code 49070, 49071)

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

Note: Pursuant to Education Code 49071, the hearing panel must include a certificated employee appointed by the chair of the district's certificated employee council or, if no such council exists, a certificated employee appointed by the parent/guardian. Item #2 below may be revised to reflect district practice.

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

If possible, the members 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. (Education Code 49071)

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

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Superintendent or designee or the Board as applicable, its written findings setting forth the facts and decisions of the panel. (Education Code 49071)

AR 5125.3(d)

CHALLENGING STUDENT RECORDS (continued)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061) [MOVED TO TOP OF AR]

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) [MOVED TO TOP OF AR]

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

1232g Family Educational and Privacy Rights Act

1681-1688 Title IX of the Education Amendments of 1972

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy, especially:

99.20-99.22 Procedures for amending educational records

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Policy Reference UPDATE Service

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