

Challenging Student Records

The district shall afford the student parent his or her due process rights in conformity with the procedures contained in Education Code 48918 for challenging student records.

The right to challenge becomes the sole right of the student when the student becomes 18 or attends a post secondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the procedures for challenging student records. (Education Code 49063)

The student/custodial parent/guardian of any student may submit to the Assistant 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)

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 observation noted.
5. Misleading
6. 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 is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, 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)

Within 30 days of receiving the request, the Assistant Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question.

The Assistant Superintendent or designee shall then sustain or deny the allegations. If the allegations are sustained, the area Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Assistant Superintendent or designee denies the allegations and refuses to order the correction or removal of the information, the parent/guardian may, within 30 days of the refusal appeal the decision, in writing, to the Governing Board.

To assist the Board in determining if any of the foregoing causes for challenging the records exists, the governing board or the Superintendent or designee when the challenge is initially filed, may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant student's records to the members of the panel so convened:

1. The principal of a public school other than the public school at which the record is on file.
2. A certificated employee appointed by the chairperson of the certificated employee council of the district or, if no such council exists, a certificated employee appointed by the parent.
3. A parent appointed by the Superintendent or by the governing board of the district, depending upon who convenes the panel.

The persons appointed shall not be acquainted with the student, his parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person.

The principal appointed to the hearing panel shall serve as its chairperson.

The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district.

The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Board.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

Within 30 days of receipt of such an appeal, the Board shall meet, in closed session with the chairperson of the hearing panel and the parent regarding the information in question. If no hearing panel is convened the Board shall meet, in closed session, with the parent and the employer who recorded the information in question.

If the Board sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the written records of the student. However, in accordance with Section 49066, the Board shall not order a student's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to

state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.

The decision of the Board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board, unless the parent initiates legal proceedings relative to the disputed information within the prescribed period.

If the final decision of the Board is unfavorable to the parent/guardian, or if the parent/guardian accepts an unfavorable decision by the Superintendent or designee, the parent/guardian shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

(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

49070 Challenging content of records

49071 Hearing Panel

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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