

CHALLENGING STUDENT RECORDS

The 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: (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 the observation noted.
5. Misleading.
6. In violation of the privacy or other rights of the pupil.

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)

The Superintendent or the School Board shall not order a pupil's grade changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally or in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions related to changing the grade. The only reasons a teacher's grade may be changed are for: clerical errors, mechanical mistakes, fraud, bad faith, or incompetence. (Education Code 49066)

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)

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)

CHALLENGING STUDENT RECORDS (continued)

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)

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 above procedures for challenging student records. (Education Code 49063)

Legal References:

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

Policy
adopted: August 18, 1997
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CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California