

## **CHINO VALLEY UNIFIED SCHOOL DISTRICT**

### **Student Support Services**

## **CHALLENGING STUDENT RECORDS**

EDUCATION CODE 49070; AR 5125.3

### **WHO CAN CHALLENGE A STUDENT RECORD?**

Following an inspection and review of a student's record, only the parent/guardian having legal custody of the student or former student of a school district may challenge the content of any student record or offer a written response to a record. As outlined in the Family Educational Rights and Privacy Act (FERPA), when a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights under FERPA transfer from the parent to the student.

### **STEP 1 – DETERMINE THE REASON FOR THE RECORD CHALLENGE**

#### **A. What are the guidelines for the record challenge?**

Parent/guardian may file a written request with the Superintendent or the Superintendent's designee to correct or remove any information recorded in the written records concerning his or her student which the parent/guardian alleges to be any of the following:

- (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.

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 relating 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.

#### **B. What should the written request contain?**

The request should:

- Clearly identify the part of the record requesting to be changed
- Specify why it should be changed
- Include any additional evidence to support the assertion that such information is inaccurate

#### **C. Where do I submit my written request?**

- For challenging the written record regarding grades, follow the procedures outlined in AR 5121. If the issue is still unresolved, submit your appeal with the Director of Elementary Curriculum (for elementary students) or the Director of Secondary Curriculum (for junior high and high school students). The appeal shall specifically describe how the teacher's established grading system was unfairly or inappropriately applied to the student.
- For challenging any other information contained in the student's written record, submit your request with the Director of Student Support Services

# **CHALLENGING STUDENT RECORD**

## **EDUCATION CODE 49070; AR5125**

### **STEP 2 – MEETING SCHEDULED WITH SUPERINTENDENT OR DESIGNEE**

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

Both the Superintendent or the Superintendent's designee and the governing 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 Superintendent's designee and the governing board provided that the parent/guardian consents to releasing record information to panel members.

### **STEP 3 – RECORD CHALLENGE DECISION**

The Superintendent or the Superintendent's designee shall sustain or deny the allegations.

- The Superintendent or the Superintendent's designee MAY sustain any or all of the allegations, and shall order the correction or the removal and destruction of the information.
- The Superintendent or the Superintendent's designee MAY deny any or all of the allegations and refuse to order the correction or the removal of the information.

### **STEP 4 – RIGHT TO APPEAL RECORD CHALLENGE DECISION**

The parent/guardian may, within 30 days of the refusal, appeal the Superintendent or the Superintendent's designee's decision in writing to the governing board of the school district.

Within 30 days of receipt of an appeal of the Superintendent or the Superintendent's designee's decision to refuse to order the correction or removal of the information from the written records of the student, the governing board shall meet in closed session with the parent/guardian and the certificated employee (if still employed) who recorded the information. The governing board shall then decide whether or not to sustain or deny the allegations.

If the governing board sustains any or all of the allegations, it shall order the Superintendent or the Superintendent's designee to immediately correct or remove and destroy the information from the written records of the student, and so inform the parent/guardian in writing.

The decision of the governing board shall be final.

### **STEP 5 – RECORD AND DESTRUCTION**

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

### **STEP 6 – RIGHT TO ATTACH A WRITTEN STATEMENT OF OBJECTIONS**

If the final decision of the governing board is unfavorable to the parent/guardian, or if the parent/guardian accepts an unfavorable decision by the district Superintendent or Superintendent's designee, the parent/guardian shall be informed and shall have the right to submit a written statement of his or her objections to the information. This statement shall become a part of the student's school record until the information objected to is corrected or removed.