

**Challenging Student Records**

The custodial parent/guardian of any student may submit to the Superintendent of Schools 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 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 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 of Schools or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent of Schools shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent of Schools shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent of Schools denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Board of Education. Within 30 days of receiving the written appeal, the Board of Education shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board of Education shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent of Schools shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board of Education shall be final. If the decision of the Superintendent of Schools or Board of Education 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. (Education Code 49070)

Both the Superintendent of Schools and the Board of Education 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 of Schools or the Board of Education provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

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)

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 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 of 1974*