

# FULLERTON SCHOOL DISTRICT

## STUDENTS

Policy No.: 5125.3

### Challenging Student Records – Page 1

Board Adopted: June 10, 2005

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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:

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's grade is challenged, the teacher who gave a 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 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.

Within 30 days of receiving a request to correct or remove information from a record, 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 or designee shall then sustain or deny the allegations within ten (10) school days of the meeting.

If the parent/guardian's allegations are sustained, the Superintendent or designee shall order the correction or removal and destruction of the information.

If the Superintendent or designee denies the allegations, the parent/guardian may, within 30 days appeal the decision to the Board of Trustees. Such request to appeal must be submitted in writing to the Secretary to the Board of Trustees. 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.

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. The statement shall become a part of the student's record.

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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.

The right to challenge a record becomes a sole right of the student when the student becomes 18 or attends a postsecondary institution.

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records.

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