

REGULATION 5125.3: Challenging Student Records
Comparison Chart
 Section: Students

SUMMARY OF UPDATE

Summary of Update: Regulation reorganized and updated to reflect the requirement to notify a parent/guardian when the superintendent corrects or removes a student record following an appeal in which the board grants the parent/guardian's request. Regulation also adds material on the composition and conduct of the hearing panel that may be established to assist in making determinations regarding challenges to student records.

PARA	Section	Sub-Section	April 5, 2004 CURRENT VERSION	October 2016 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
				At the beginning of each school year or, for a student enrolled after the beginning of the school year, at the time of enrollment, parents/guardians shall be notified of the availability of the following procedures for challenging the contents of student records. Any student who is 18 years of age or attends a postsecondary institution shall have the sole right to challenge the contents of his/her records in accordance with the following procedures.	New paragraph added CSBA NOTE: The following administrative regulation provides a process by which, pursuant to Education Code 49070, parents/guardians and students who are 18 years old or attending a postsecondary institution may request an amendment to any incorrect, inaccurate, or misleading information in student records maintained by the district. For details of student records that the district may maintain, see BP/AR 5125 - Student Records.
				<u>Procedures for Challenging Records</u>	
1			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:	No charge	
	1		Inaccurate	No charge	

	2	An unsubstantiated personal conclusion or inference	No charge	
	3	A conclusion or inference outside of the observer's area of competence	No charge	
	4	Not based on the personal observation of a named person with the time and place of the observation noted	No charge	
	5	Misleading	No charge	
	6	In violation of the privacy or other rights of the student	No charge	
2		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.	Delete	
3		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 shall then sustain or deny the allegations.	Within 30 days of receiving a request to correct or remove any information from a record, the Superintendent or designee shall meet with the parent/guardian and the district employee who recorded that information, if he/she is presently employed by the district.	
			If the challenge involves a student's grade, the teacher who gave the grade shall be given an opportunity to state, orally and/or in writing, the reasons for which the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith, or	

			incompetency, a student's grade as determined by the teacher shall be final.	
			<u>Resolution of Challenge/Appeals</u>	New section added
			After considering all relevant information, the Superintendent or designee shall sustain or deny the parent/guardian's allegations.	New paragraph added
4		If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information.	If the parent/guardian's allegations are sustained, the Superintendent or designee shall order the correction or removal and destruction of the information.	
5		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.	If the Superintendent or designee denies the allegations, the parent/guardian may, within 30 days, appeal the decision in writing 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 district employee who recorded the information, if he/she is presently employed by the district. The Board shall then decide whether to sustain or deny the allegations. The decision of the Board shall be final.	
			If the Board sustains any or all of the allegations, the Superintendent or designee shall immediately order the correction or removal and destruction of the pertinent information from the student's records and shall inform the parent/guardian in writing that the information has been corrected or destroyed.	New paragraph added
6		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	If the parent/guardian does not file an appeal, or if the appeal is denied by the Board, the parent/guardian shall be informed of his/her right to submit a written objection to the	

			a written statement of objections. This statement shall become a part of the student's record.	information. Any statement submitted by the parent/guardian shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the related part of the record is disclosed.	
				Hearing Panel	
7			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 Superintendent or designee and/or the Board may appoint a hearing panel to assist in making determinations regarding a challenge to student records or an appeal, as applicable, provided that the parent/guardian gives written consent to releasing relevant student record information to the panel members. Such a hearing panel shall consist of the following persons:	CSBA NOTE: The following optional section is for use by districts that choose to use a hearing panel to assist in making determinations regarding challenges to student records, as authorized by Education Code 49071.
				1. A chairperson who is a principal of a public school other than the school at which the record is on file	New sections added
				2. A certificated employee appointed by the district's certificated employee council or, if no such council exists, by a parent/guardian	CSBA NOTE: Pursuant to Education Code 49071, the hearing panel must include a certificated employee appointed by the chair of the district's certificated employee council or, if no such council exists, a certificated employee appointed by the parent/guardian. Item #2 below may be revised to reflect district practice.
				3. A parent/guardian appointed by the Superintendent or designee or the Board, whoever convenes the panel	
				If possible, the members of the hearing panel shall not be acquainted with the student, his/her parent/guardian, or the employee who recorded the information, except when	New paragraph added

			the parent/guardian appoints the certificated employee pursuant to item #2 above.	
			The panel shall be provided with verbatim copies of the information that is the subject of the controversy. The panel shall, in closed session, hear the parent/guardian's objections to the student record and, if the employee is presently employed by the district, the employee's testimony. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The panel shall submit, to the Superintendent or designee or the Board as applicable, its written findings setting forth the facts and decisions of the panel.	New paragraph added
8		The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution.	Delete	
9		At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records.)	Delete	