

ORANGE COUNTY DEPARTMENT OF EDUCATION
Costa Mesa, California

SUPERINTENDENT'S POLICY

100-15

Challenging Student Records

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.

Procedures for Challenging Records

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

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 employee who recorded that information, if he/she is presently employed by the Orange County Department of Education.

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.

Resolution of Challenge/Appeals

After considering all relevant information, the Superintendent or designee shall sustain or deny the parent/guardian's allegations.

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 in writing to the Orange County Department of Education. Within 30 days of receiving the written appeal, the Orange County Department of Education shall meet in closed session with the parent/guardian and the Orange County Department of Education employee who recorded the information, if he/she is presently employed by the Orange County Department of Education. The Orange County Department of Education shall then decide whether to sustain or deny the allegations. The decision of the Orange County Department of Education shall be final.

If the Orange County Department of Education 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.

If the parent/guardian does not file an appeal, or if the appeal is denied by the Orange County Department of Education, the parent/guardian shall be informed of his/her right to submit a written objection to the 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

The Orange County Department of Education 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:

1. A chairperson who is a principal of a public school other than the school at which the record is on file
2. A certificated employee appointed by the Orange County Department of Education's certificated employee council or, if no such council exists, by a parent/guardian
3. A parent/guardian appointed by the Superintendent or designee

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 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 Orange County Department of Education, 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 Orange County Department of Education its written findings setting forth the facts and decisions of the panel.

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

1681-1688 Title IX of the Education Amendments of 1972

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy, especially:

99.20-99.22 Procedures for amending educational records