

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Students**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. (Education Code 49061, 49063)

Procedures for Challenging Records

The custodial parent/guardian of any student may submit to the County Superintendent's 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; 34 CFR 99.20)

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 County Superintendent's designee shall meet with the parent/guardian and the County Superintendent school employee who recorded that information, if he/she is presently employed by the County Superintendent. (Education Code 49070)

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. (Education Code 49066)

Resolution of Challenge/Appeals

After considering all relevant information, the County Superintendent's designee shall sustain or deny the parent/guardian's allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the County Superintendent's designee shall

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

order the correction or removal and destruction of the information. (Education Code 49070)

If the County Superintendent's designee denies the allegations, the parent/guardian may, within 30 days, appeal the decision in writing to the County Superintendent. Within 30 days of receiving the written appeal, the County Superintendent shall meet in a closed meeting with the parent/guardian and the County Superintendent school employee who recorded the information, if he/she is presently employed by the County Superintendent. The County Superintendent shall then decide whether to sustain or deny the allegations. The decision of the County Superintendent shall be final. (Education Code 49070)

If the County Superintendent sustains any or all of the allegations, the County Superintendent 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. (Education Code 49070)

If the parent/guardian does not file an appeal, or if the appeal is denied by the County Superintendent, 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. (Education Code 49070; 34 CFR 99.21)

Adopted: 10/15/2020

Legal ReferenceEducation 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