

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5011: PUPIL RECORDS - CHALLENGE TO CONTENTS

- A. Following inspection and review, a parent, guardian or eligible student may challenge the content of any pupil record. The right to challenge becomes the sole right of the pupil when the pupil becomes eighteen (18) years of age or is attending a post-secondary institution.
- B. The parent may file with the Superintendent a written request to correct or remove any information recorded in the written records concerning his/her child which the parent alleges to be any of the following:
- Inaccurate.
 - An unsubstantiated personal conclusion or inference.
 - A conclusion or inference outside of the observer's area of competence.
 - Not based on the personal observation of a named person with the time and place of observation noted.
 - Misleading.
 - In violation of the privacy or other rights of the pupil.
- C. Within thirty (30) days of receipt of the request, the Superintendent or designee shall meet with the parent, guardian or eligible student and with the certificated employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegation(s). If the allegations are sustained, the Superintendent shall order the correction, or the removal and destruction of the information.
- D. If the Superintendent denies any or all of the allegations and refuses to order the correction or removal of the information, the parent, guardian or adult student may within thirty (30) days appeal the decision to the Board. The appeal shall be in writing. Within thirty (30) days of the receipt of the appeal, the Board shall meet in closed session with the parent and the certificated 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 the Board sustains them, the Superintendent shall immediately correct or remove and destroy the information from the pupil's records. If the information in dispute appears on microfilm, it shall be expunged. If appropriate, reference to the record shall be removed from the locator card and the record physically scraped from the microfilm surface.

- E. If the final decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the right to submit a written statement of objections. This statement shall become a part of the pupil's record until such time as the information in question is corrected or removed.
- F. Before any pupil grade is changed either by the Superintendent or by the decision of the Board, the teacher who gave that grade shall be given the opportunity to state orally, in writing, or both, why the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to a requested grade change.
- G. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code section 49071 to assist in the decision making. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent consents to releasing relevant pupil records to panel members.
- H. The decision of the Board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board, unless the parents initiate legal proceedings.
- I. Whenever there is included in any pupil record information concerning any disciplinary action taken by District personnel in connection with the pupil, the parent may include in such pupil record a written statement or response concerning the disciplinary action.

Legal Reference:

Education Code sections

- 49066 Grades, Finalization, Change of Grade; Effect of Physical Education Class Apparel
- 49070 Challenging Content of Records
- 49071 Hearing Panel To Assist In Making Determination
- 49072 Right To Include Statement or Response to Disciplinary Actions

California Code of Regulations, Title 5, section 436

Code of Federal Regulations, Title 34, Part 99, sections 99.20-22

Family Educational Rights & Privacy Act, 20 U.S.C. section 1232(g)(a)(2)

Title 34 Code of Federal Regulations, Part 300, sections 300.567-576

Date Policy Adopted By the Board: August 22, 1989 (formerly B.P. 5011)

Date Policy Revised By The Board: May 20, 1997

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