

Challenging Student Records

The custodial parent/guardian of any student may submit to the Solano County Office of Education (SCOE) a written request to correct or remove from his/her child's records any information concerning the child which s/he 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 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, s/he 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.

Within 30 days of receiving a request to correct or remove information from a record, the County Superintendent or designee shall meet with the parent/guardian and, when applicable, with the employee (if still employed) who recorded the information in question. The Superintendent or designee shall then sustain or deny the allegations.

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

If the Superintendent or designee denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Solano County Board of Education. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian, the Superintendent and designee, and, when applicable, 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. (Education Code [E.C.] section 49070)

The decision of the Board shall be final. If the decision of the Superintendent/designee or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (E.C. §49070)

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. (E.C. §49070, 49071)

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

Policy 5125.3 (Continued)

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

Policy Cross-Reference:

5121 Grades/Evaluation of Student Achievement

5125 Student Records

5145.6 Parental Notifications