

Students

CHALLENGING STUDENT RECORDS

BP 5125.2 (a)

Note: The Family Education Rights and Privacy Act (FERPA) requires school districts to have procedures in place for parents and eligible students to challenge an education record as inaccurate, misleading, or in violation of the student's privacy rights. The requirements for that process are set forth in federal law, 34 CFR 99.20-.22

Request to Amend Records

The parent/guardian of a student or an eligible student who believes that information in an education record relating collected, maintained or otherwise used by the district and pertaining to the student is inaccurate, misleading or in violation of the student's rights of the privacy or other rights of the student, may request that the district amend the record. Such requests shall be made in writing to the Superintendent or designee. The record amendment process is not available to request changes to substantive decisions by the district, such as student discipline decisions and grade challenges. The parent or eligible student must use the designated processes available to appeal to those substantive decisions.

(cf. 5144 - Discipline)

(cf. 5144.1 – Suspension & Expulsion)

(cf. 5121 – Grade Evaluation of Student Achievement)

The Superintendent or designee shall, within a reasonable period of time following such a request, decide whether to amend the record and shall inform the parent/guardian or the eligible student in writing of the decision. If the district decides not to amend the record, it shall advise the parent/guardian or eligible student of the right to a hearing to challenge the district's decision.

Request for a Hearing

If the district decides not refuses to amend a student record, after an appropriate written request is made, the parent/guardian of the student or the eligible student may request a hearing to challenge that decision.

Requests for a hearing shall be made within a reasonable time ten (10) days after notice of the district's decision is delivered to the parent/guardian or eligible student. The request for a hearing must be in writing, and shall be made to the Superintendent or designee.

Conduct of the Hearing

The district will hold the hearing within a reasonable time after it has received the request. The district will give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.

The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.

The parent or eligible student will have a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals, including an attorney.

A written decision will be issued within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

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BP 5125.2 (b)

~~Hearings to challenge a district refusal to amend information pertaining to a student that is contained in a record collected, maintained or otherwise used by the district, shall be conducted before a hearing officer in accordance with the regulations established by the Alaska Department of Education and Early Development.~~

Remedies

If, after a hearing, the hearing officer determines that the information is inaccurate, misleading, or otherwise in violation of the privacy ~~or other~~ rights of the student, the district shall amend the record.

If the hearing officer decides that the information contained in the record is not inaccurate, misleading, or otherwise in violation of the privacy ~~or other~~ rights of the student, the district shall so inform the parent/guardian or eligible student. The hearing officer's decision shall be final. However, the parent or eligible student may place a statement in the record commenting on the information in dispute and/or describing why the parent/guardian or eligible student disagrees with the hearing officer's decision. This statement shall be ~~accompanied by a copy of the hearing officer's written decision, and shall be~~ maintained with the record as long as the district maintains the contested portion of the record. If the district discloses the record, or the contested portion of the record to any person, the statement also must be disclosed.

Legal References:

ALASKA STATUTES:

- AS 14.30.193 Due process hearing
- AS 14.30.272 Procedural safeguards
- AS 14.30.335 Eligibility for federal funds

ALASKA REGULATIONS:

- 4 AAC 52.520 Parental request for amendment of records
- 4 AAC 52.550 Due process hearing

FEDERAL STATUTES

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 U.S.C. 1232g

FEDERAL REGULATIONS

34 CFR Part 99.20-.22

Adopted 6/01

Revised 9/97 – AASB

Revised __/23