

BP 5125.2 CHALLENGING STUDENT RECORDS

Note: The Family Educational Rights and Privacy Act (FERPA) requires schools 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 of a student or an eligible student who believes that information in an education record relating to the student is inaccurate, misleading, or in violation of the student's rights of privacy, may request that the District amend the record. Such requests shall be made in writing to the superintendent or the superintendent's 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 substantive decisions.

(cf. 5138 - Alaska Performance Scholarship Program)

(cf. 5144 – Discipline)

(cf. 5144.1 – Suspension & Expulsion)

(cf. 5121 – Grade Evaluation of Student Achievement)

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

Request for a Hearing

If the district decides not to amend a student record, the parent of the student or the eligible student may request a hearing.

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

Remedies

If, after hearing, the hearing officer determines that the information is inaccurate, misleading, or otherwise in violation of the privacy 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 rights of the student, the district shall so inform the parent 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 or eligible student disagrees with the hearing officer's decision. This statement 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 must also be disclosed.

Legal Reference:

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 99.20-.22](#)

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Reviewed 5/2018

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Craig City School District