

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE REGULATION NO. 5125.3

ADOPTED: 08/28/23

CLASSIFICATION: Students

SUBJECT: 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 the student's records in accordance with the following procedures.

PROCEDURES FOR CHALLENGING RECORDS

The custodial parent/guardian of any student may submit to the County Superintendent or designee a written request to correct or remove from the student's records any information concerning the student which the parent/guardian 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

Within 30 days of receiving a request to correct or remove any information from a record, the County Superintendent or designee shall meet with the parent/guardian and the employee of the Ventura County Office of Education (VCOE) who recorded that information, if the employee is presently employed by VCOE.

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.

RESOLUTION OF CHALLENGE/APPEALS

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

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

If the appeal is denied by the County Superintendent or designee, the parent/guardian shall be informed of the 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.

HEARING PANEL

The County Superintendent or designee may appoint a hearing panel to assist in making determinations regarding a challenge to student records or an appeal, as applicable, provided that the parent/guardian gives written consent to releasing relevant student record information to the panel members. Such a hearing panel shall consist of the following persons:

1. A chairperson who is a principal of a public school other than the school at which the record is on file
2. A certificated employee appointed by the VCOE's certificated employee council or, if no such council exists, by a parent/guardian
3. A parent/guardian appointed by the County Superintendent or designee

If possible, the members of the hearing panel shall not be acquainted with the student, the student's parent/guardian, or the employee who recorded the information, except when the parent/guardian appoints the certificated employee pursuant to item #2 above.

The panel shall be provided with verbatim copies of the information that is the subject of the controversy. The panel shall, in closed session, hear the parent/guardian's objections to the student record and, if the employee is presently employed by the VCOE, the employee's testimony. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities. The panel shall submit, to the County Superintendent or designee or the County Board as applicable, its written findings setting forth the facts and decisions of the panel.

Legal Reference:

EDUCATION CODE

49061	Definitions; directory information
49063	Notification of parents of their rights
49066	Grades; change of grade; physical education grade
49070	Challenging student records
49071	Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act (FERPA) of 1974
1681-1688 Title IX of the Education Amendments of 1972; discrimination based on
sex

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy
99.20-99.22 Procedures for amending educational records