

# Bakersfield City School District

Student Services Department

1300 Baker Street

Bakersfield, CA 93305



## Request to Challenge Student Records

California law gives the parent or legal guardian a right to file a written request to correct or remove any information recorded in the written records concerning his or her child when the parent believes one of the reasons listed below applies. Following the inspection and review of student record(s), the parent or legal guardian of the student or former student may file a written request with the school district to challenge the content of the student record(s). **Please see attached Board Policy in regards to challenging a student grade.**

**If you wish to challenge student records, please complete the following information:**

Student's Name: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Parent/Legal Guardian Name: \_\_\_\_\_ BCSD School: \_\_\_\_\_

Student Record(s) Being Challenged: \_\_\_\_\_

### Reason(s) for Request to Challenge Content of Student Record(s):

- \_\_\_\_\_ 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 the observation noted
- \_\_\_\_\_ Misleading
- \_\_\_\_\_ In violation of the privacy rights or other rights of the student

Please state objective facts to support your request to challenge the content of the student record(s) and list your proposed change(s). You may attach additional documentation in support of your request to this form.

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**You will be contacted within 30 days of receiving your request.**

Please be aware that this process is strictly for challenging the content of student records only; please contact your school or district office for other concerns.

Parent/Legal Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: (\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_

**Copies:** Parent, School, Student Services Department



|         |                             |
|---------|-----------------------------|
| Book    | BCSD Board Policies         |
| Section | 0600 Students               |
| Title   | CHALLENGING STUDENT RECORDS |
| Code    | 0605.14                     |
| Status  | Active                      |
| Adopted | July 23, 2013               |

### **Administrative Regulation**

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following (Education Code Section 49070):

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

[\(cf. BP 400.12 – Grades/Evaluation of Student Achievement\)](#)  
[\(cf. BP 605.7 – Pupil Records\)](#)

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, he/she 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 (Education Code Section 49066).

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations (Education Code Section 49070).

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information (Education Code Section 49070).

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and 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 the Board 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 Section 49070).

The decision of the Board shall be final. If the decision of the Superintendent 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 (Education Code Section 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 (Education Code Section 49070 and 49071).

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution (Education Code Section 49061).

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records (Education Code Section 49063).

[\(cf. BP 300.56 – Parental Notifications\)](#)

### **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

Administratively Approved July 23, 2013