

CVUSD

Administrative Regulation

AR 5125.3

Students

Challenging Student Course Grade/Challenging Student Records

Course Grade Changes

Requests for a course grade change must be made within 30 calendar days after the grade is issued. The following procedure shall be complied with when a parent/guardian challenges a student's course grade:

When a student's course grade is challenged, the teacher who issued the grade shall be given an opportunity to state orally, in writing, or both, the rationale for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any course grade change. The grade determined by the teacher shall be the final grade for the course unless there exists: (1) clerical or mechanical error, (2) fraud, (3) bad faith, or (4) incompetency. (Education Code 49066)

(cf. 5121 – Grades/Evaluation of Student Achievement)

The site principal or his/her designee receiving a parental request to challenge a student's course grade shall direct the parent/guardian to contact the teacher in an attempt to resolve the problem directly between the parent/guardian and the teacher.

In circumstances where the parent/guardian's request is not resolved by the teacher conference, the parent/guardian will complete a Course Grade Change Request form (obtained from school site) stating the reasons for the appeal and the action sought. The Course Grade Change Request form must be submitted to the site principal.

The site principal will conduct a formal review (hearing) of the request and will ensure that both the parent/guardian and the teacher, at a minimum, are present during the review.

The site principal shall determine if sufficient grounds exist to grant the request to change the student's course grade based on the criteria specified in Education Code 49066, which is noted above.

The principal shall inform the Director of Elementary/Secondary Education, the parent/guardian, and the teacher of his/her decision concerning the requested course grade change.

In circumstances where either the parent/guardian or the teacher are not in agreement with the decision of the site principal, the party will complete a District Level Course Grade Change Request form (obtained from school site) stating the rationale for requesting an appeal of the decision of the site principal and the action sought. The District Level Course Grade Change Request form must be submitted to the Director of Elementary/Secondary Education.

Upon written receipt of an appeal, the Director of Elementary/Secondary Education, acting as the Superintendent's designee, shall convene a hearing panel consisting of:

- a. The principal of a public school other than the public school at which the student's record is on file.
- b. A certificated employee appointed by the president of the Unified Association of Conejo Teachers.
- c. A parent/guardian (not employed by the school district) appointed by the Director of Elementary/Secondary Education.

The hearing panel members shall, if possible, not be acquainted with the pupil, the parent/guardian, or the certificated employee whose grade is challenged.

The principal appointed to the hearing panel shall serve as its chairperson.

The hearing panel shall, in closed session, hear the appeal within 30 calendar days of when the District Level Course Grade Change form was submitted to the Office of Elementary/Secondary Education.

Both the parent/guardian and the teacher may be present for the hearing and shall have an opportunity to address the panel.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Director of Elementary/Secondary Education. If the panel determines that sufficient grounds exist to grant the request to change the student's course grade, then the Director of Elementary/Secondary Education shall order the correction of the grade. (Education Code 49070)

The decision of the hearing panel shall be final. (Education Code 49071)

Challenging Student Records

The custodial parent/guardian of any student may submit to the Superintendent 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: (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, or (6) in violation of the privacy or other rights of the student. (Education Code 49070)

(cf. 5125 – Student Records)

Within 30 calendar days of receiving a request to correct or remove information from a record, the Superintendent or the Superintendent's 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 49070) The Superintendent may appoint a hearing panel to assist him/her in making a decision if the parent/guardian has given written consent to release information from the student's records to the members of the panel. (Education Code 49071)

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

If the Superintendent denies the allegations, the parent/guardian may, within 30 calendar days of the refusal, appeal the decision in writing to the Conejo Valley Unified School District's Board of Education ("Board"). Within 30 calendar 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. The Board may also convene a hearing panel to assist it in making a decision if the parent/guardian has given written consent to release information from the student's records to the members of the panel. (Education Code 49071)

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

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 49070)

The decision of the Board shall be final. (Education Code 49070)

Hearing Panel Requirements

A 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 49070, 49071)

The hearing panel will include the following members:

- a. The principal of a public school other than the public school at which the record is on file.
- b. A certificated employee appointed by the president of the Unified Association of Conejo Teachers.
- c. A parent (not employed by the school district) appointed by the Superintendent or the Board.

The hearing panel members shall, if possible, not be acquainted with the pupil, the parent/guardian, or the certificated employee who recorded the information.

The principal appointed to the hearing panel shall serve as its chairperson.

Where the hearing panel is convened by the Superintendent, the hearing panel shall, in closed session, hear the request to correct or remove information from a record within 30 calendar days of the date the Superintendent received the request.

Where the hearing panel is convened by the Board, the hearing panel shall, in closed session, hear the appeal within 30 calendar days of the date the Board received the appeal.

Both the parent/guardian and the certificated employee who recorded the information (if still employed) shall be present for the review and shall have an opportunity to address the panel.

Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Superintendent or the Board, depending on who convened the panel.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

The decision of the hearing panel shall be final. (Education Code 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 49061)

At the beginning of each school year, parents/guardians shall be notified that the above procedures are available to challenge the content of student records. (Education Code 49063)

(cf. 5145.6 – 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

CSBA: (12/91 2/96)

CVUSD: (8/08 10/11) 1/14