



**LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN**

**TITLE:** Challenging the Content of a Pupil Record

**NUMBER:** BUL-2433

**ISSUER:** Dan Isaacs, Chief Operating Officer  
Office of the Chief Operating Officer

**DATE:** April 3, 2006

**POLICY:** The purpose of this bulletin is to establish a uniform policy and procedure for processing requests to challenge the content of pupil records other than grades.

**MAJOR CHANGES:** This bulletin updates a portion of current Bulletin No. N-13. The policies set forth in the former Bulletin No. N-13 are now separated into the following three bulletins: (1) Pupil Records: Access, Confidentiality, and Notice of Educational Rights; (2) Requests to Change a Pupil Grade; and (3) Challenging the Content of a Pupil Record.

**GUIDELINES:** The following guidelines apply:

**I. INTRODUCTION**

Federal and state statutes govern the process for challenging the content of pupil record information (Family Educational Rights and Privacy Act, (FERPA), 20 U.S.C. section 1232g; California Education Code section 49070 *et seq.*). These laws and this bulletin are applicable to all schools within the District, including but not limited to elementary, middle, and high schools; adult schools, early education centers; educational options schools; continuation schools; special education schools; and dependent/affiliated charter schools.

The “content of a pupil record” includes any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm or other means. For purposes of this bulletin, a “challenge” is a request made by the parent/eligible pupil to correct or remove information found in a pupil record.

<p><b>ROUTING</b> Local District Administrators Principals Teachers Counselors</p>
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II. PROCEDURES

A. Notification to Parent(s) and Eligible Pupil(s)

1. Parent(s) and eligible pupil(s) (pupils who are 18 years of age or older and are not dependents [e.g., under conservatorship]) must be notified of the procedures for challenging the content of a pupil record on an annual basis. The Parent-Student Handbook contains this notice; the notice may also be posted at school sites (Attachment A).
2. Following an inspection of the pupil's records, a parent or eligible pupil may file a written request to remove or correct any recorded information that is:
  - a. Inaccurate;
  - b. An unsubstantiated personal conclusion or inference;
  - c. A conclusion or inference outside of the observer's area of competence;
  - d. Not based on the personal observation of a named person with the time and place of the observation noted;
  - e. Misleading; or
  - f. In violation of the privacy or other rights of the pupil.
3. Separate from these procedures, a parent/eligible student has the right to include in the pupil record a written statement or response concerning any disciplinary action taken by school district personnel that is included in any pupil record information.

B. School Site Level

1. If a parent/eligible pupil wishes to challenge the content of a pupil record, s/he should first meet with the school principal. The school principal shall ensure that the certificated employee who recorded the information in question is involved, to the extent possible.
2. The school principal may sustain or deny the requested correction or removal of information from the pupil record.
3. The school principal should provide the parent/eligible pupil with written notice of the decision to sustain or deny the challenge within ten (10) school days of meeting with the parent/eligible pupil.



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- a. If the school principal sustains the challenge, the information in the pupil record will be corrected or removed, as requested, within 20 school days of the initial meeting.
- b. If the school principal denies the challenge, the parent/eligible pupil may appeal the school principal's decision to the Local District Superintendent or designee. The school principal should provide the parent/eligible pupil with a copy of the Sample Form for Challenging the Content of a Pupil Record (Attachment B).

### C. Local District Level

1. A parent/eligible student may appeal a school principal's denial of a challenge to pupil record content to the local district superintendent/designee by completing the *Sample Form for Challenging the Content of a Pupil Record and the Parent Authorization for Release of Pupil Record Information for Challenge to Content of Records* (Attachment D) and submitting both completed forms to the local district office.
2. Within 30 calendar days of receipt of a request, the Local District Superintendent (LDS) shall meet with the parent/eligible pupil and the certificated employee who recorded the information in question, if the employee is presently employed by the school district. The LDS may convene a hearing panel to review the request (see Section E below).
3. The LDS shall sustain or deny the requested removal or correction of pupil record information. The LDS shall provide the parent/eligible pupil with written notice of the decision to sustain or deny the challenge within 30 calendar days of meeting with the parent/eligible pupil.
  - a. If the LDS sustains any or all of the allegations, he or she shall order the correction or the removal and destruction of the information.
  - b. If the LDS denies any or all of the allegations, the parent/eligible pupil may appeal the LDS's decision to the governing board within 30 days of receiving the decision.



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4. If the parent/eligible pupil accepts an unfavorable decision by the LDS, the parent/eligible pupil shall be informed of the right to submit a written statement of his or her objections to the information. This statement shall become a part of the pupil's school record unless and until the information objected to is changed or removed.

### D. Final Level

1. Within 30 calendar days of receipt of an appeal from the local district, the governing board shall, in closed session with the parent/eligible pupil and the certificated employee who recorded the information in question, if the employee is presently employed by the school district, determine whether or not to sustain or deny the allegations. The governing board may convene a hearing panel to review the appeal (see section E, below).
2. If the governing board sustains any or all of the allegations, it shall order the LDS to immediately correct or remove and destroy the information from the written records of the pupil, and so inform the parent/eligible pupil in writing.
3. The decision of the governing board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the parent/eligible pupil initiates legal proceedings relative to the disputed information within the prescribed period.
4. If the final decision of the governing board is unfavorable to the parent/eligible pupil, or if the parent/eligible pupil accepts an unfavorable decision by the LDS, the parent/eligible pupil shall be informed of the right to submit a written statement of his or her objections to the information. This statement shall become a part of the pupil's school record unless and until the information objected to is changed or removed.



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### E. Hearing Panel

1. To assist in making determinations regarding appeals of pupil records challenges, the LDS or governing board may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant pupil's records to the members of the panel so convened (see Attachment D):
  - 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 parent (see sample appointment letter, Attachment C); and
  - c. A parent appointed by the LDS or by the governing board of the district, depending upon who convenes the panel.
2. The persons appointed to the hearing panel shall, if possible, not be acquainted with the pupil, his parent/eligible pupil, or the certificated employee who recorded the information, except for the certificated employee appointed by the parent/eligible pupil.
3. The principal appointed to the hearing panel shall serve as its chairperson.
4. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in question, if the employee is presently employed by the school district.
  - a. The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.
  - b. Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the local district superintendent or the governing board, depending upon who convened the panel, within ten (10) school days of the hearing panel convening. The hearing panel should use the Sample Findings and Conclusions Form (Appendix E). The hearing panel may reconvene, if necessary, to review all relevant information.
  - c. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.



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**ATTACHMENTS:**

- A: Sample Notice of Process for Challenging Pupil Record Content
- B: Sample Form for Challenges to Pupil Record Content
- C: Sample Request for Appointment of Certificated Employee by Parent for Hearing Panel
- D: Parent Authorization for Release of Pupil Record Information for Challenge to Content of Records
- E: Sample Findings and Conclusions Form

**AUTHORITY:** 20 U.S.C. section 1232g; California Education Code sections 31560, 49070.

**RELATED RESOURCES:** For more information regarding confidentiality and access to pupil records, please see Bulletin No. N-13. For more information regarding requesting the change of pupil grade, please see BUL-1926

**ASSISTANCE:** For assistance, please contact your Local District or the Office of General Counsel.

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ATTACHMENT A

**Sample Notice of Process for Challenging Pupil Record Content**

**Inspection/Review of Pupil Records:** The inspection/review of any or all pupil records will be during regular school hours and will be arranged at a time mutually convenient to the parent (or student, when applicable) and the school official. A District certificated employee must be present to assist and act as custodian of the file. When a pupil record of one student includes information concerning other students, the parent or adult student who wishes to inspect and review such material may see only such part as relates to the child of that parent or to that particular adult student. If the parent or adult student requests a copy of the whole or any part of a pupil record, the copy will be provided. The school or local district office may charge a copy fee of 25 cents for the first page and 10 cents for each additional page requested.

**Challenging Pupil Records:** For all pupil records (other than achievement marks), California Education Code section 49070 provides that a parent (or former student) may challenge the content of such pupil records by filing a written request to remove or correct any recorded information that is:

- (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 pupil.

The parent/eligible pupil may challenge the content of such records by first meeting with the school principal. If the principal sustains the challenge, the record will be corrected or removed. If the school principal does not sustain the challenge, the parent/eligible pupil may appeal. Appeals from a school principal's adverse decision are to be made first to the local superintendent, and then, if necessary, to the Board of Education. The local superintendent and the Board of Education may choose to convene an impartial panel to conduct an inquiry into the subject of the challenge. If the panel sustains the challenge of the parent/eligible pupil, the correction, removal or destruction of material challenged will be made. If the challenge of the parent/eligible pupil is ultimately denied, the parent/eligible pupil has a right to provide a written statement of his/her objection to the information. This statement becomes a part of the student's school record unless and until such time as the information objected is removed or corrected.

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ATTACHMENT B

**Sample Request for Challenging the Content of a Pupil Record**

Name of Parent/Guardian: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Name of Pupil: \_\_\_\_\_ Grade of Pupil: \_\_\_\_\_

Reason(s) for Request to Challenge Content of Pupil 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; or
- In violation of the privacy or other rights of the pupil.

Note: Pursuant to Education Code section 49070, a pupil record may be corrected or removed only on the basis of one of the above-noted reasons.

Please state, in detail, specific, objective facts supporting this request to challenge the content of a pupil record. If you would like to challenge the content of more than one record, please identify the record and the specific reason as well as facts supporting your request. Attach any documentation in support of your request to this form. Please note that this process is for challenging the content of pupil records only; for questions or concerns regarding other issues, contact your school principal.

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



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ATTACHMENT C

**SAMPLE REQUEST FOR APPOINTMENT OF  
CERTIFICATED EMPLOYEE BY PARENT FOR HEARING PANEL**

Dear Parent/Eligible Pupil:

The [local district superintendent/governing board] has received your request to appeal your school's decision regarding your challenge to pupil record content. The [local district superintendent/governing board] will convene a hearing panel to review this appeal. The hearing panel will be comprised of:

- The principal of a public school other than the public school at which the record is on file;
- A certificated employee appointed by the parent; and
- A parent appointed by the [local district superintendent/governing board].

You are entitled to appoint a certificated employee (for example, a teacher, assistant principal, or principal) to this panel. Please provide us with the names of at least two individuals you would like to appoint, along with their contact information, so we can schedule the panel.

If you have any questions or would like additional information, please do not hesitate to contact this Office at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_

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ATTACHMENT D

**PARENT AUTHORIZATION FOR RELEASE OF  
PUPIL RECORD INFORMATION  
FOR CHALLENGE TO CONTENT**

Pupil \_\_\_\_\_

Birthdate \_\_\_\_\_

I hereby authorized the Los Angeles Unified School District to release pupil records relevant to the pupil record in question of the above named pupil and/or information therein to the following, who will serve on the appeal panel:

- (panelist name)
- (panelist name)
- (panelist name)

In addition, I authorize the parties involved in the appeal to review pupil record information as it pertains to this appeal. All information will be held confidential.

\_\_\_\_\_  
Signature of Parent/Eligible Pupil

\_\_\_\_\_  
Date

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ATTACHMENT E

**Sample Findings and Conclusions Form**

Request to Correct/Remove Information from the Pupil Record of:  
[NAME OF STUDENT], [GRADE LEVEL], [SCHOOL]

For the following pupil record(s): \_\_\_\_\_

**Reason(s) for Request:** (Attach copy(ies) of Attachment B)

**Discussion of Reason(s) for Request:**

- Reason A: Inaccurate

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- Reason B: An unsubstantiated personal conclusion or inference

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- Reason C: A conclusion or inference outside of the observer's area of competence

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- Reason D: Not based on the personal observation of a named person with the time and place of the observation noted

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- Reason E: Misleading

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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- Reason F: In violation of the privacy or other rights of the pupil

Facts/evidence supporting the request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Facts/evidence supporting the original record content: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Conclusions:**

Based on a thorough review of the oral and written evidence that was provided, and after careful consideration, the reviewer finds that the requested correction/removal of pupil record information should be GRANTED/DENIED]. [IF DENIED: However, the parent/eligible student may submit a written statement with his/her objections and this statement will be included in the student's cumulative file.]

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

[NAME OF REVIEWER]  
[TITLE/POSITION OF REVIEWER]