

## 224 CHALLENGING CONTENT OF STUDENT RECORDS

Parent(s) or guardian(s) of students or students themselves, if eighteen years of age or older, (both hereafter referred to as Complainant) have the right to challenge the content of the student's education records if the information is believed to be inaccurate, misleading, or otherwise in violation of the student's rights of privacy. No challenge shall be allowed under these procedures to the grade given the student's performance or citizenship in a course.

1. Complaints challenging the content of education records shall be filed in writing with the administrator. The written request must indicate the challenged aspect of the record and specify why that aspect is believed to be inaccurate, misleading, or in violation of the student's rights. Supporting evidence must be submitted with the written request.
2. The administrator, or his/her designee, will determine if the challenged aspect of the record is inaccurate, misleading, or in violation of the student's rights. Within fifteen (15) days following the receipt of a complaint, the administrator will notify the Complainant in writing whether or not the record(s) will be amended as requested. If the decision is to not amend the record as requested, the administrator's letter to the complainant shall inform the complainant of his/her right to a hearing. Each time the term "days" is used in this regulation, it refers to "school days" during the school year or to "work days" during vacations.
3. If the complainant disagrees with the administrator's decision, the Complainant shall request in writing a hearing before a Hearing Officer within ten (10) days of receipt of the administrator's letter. The written request must indicate the challenged aspect of the record and specify why that aspect is believed to be inaccurate, misleading, or in violation of the student's rights. A copy of the administrator's letter must be submitted with the written request for a hearing. The written request for a hearing is to be submitted to the Oasis Academy's governing body.
4. Oasis Academy's governing body shall appoint a Hearing Officer who does not have any direct interest in the outcome of the hearing. The Hearing Officer shall set a date for the hearing, which shall be no more than thirty (30) days following receipt of such request.
5. The Complainant shall be notified in writing of the date, time, and place set for the hearing. Such notice shall be mailed to the complainant no later than seven (7) days prior to the date set for the hearing.
6. The Hearing Officer shall conduct hearings in an informal manner. Technical rules of evidence shall not apply, and witnesses need not give testimony under oath. All relevant and material evidence is admissible and will be considered according to the circumstances, credibility, and relevancy.
7. The parties, or their representatives, shall present their respective positions by written and/or oral evidence. Each party will be given a maximum of thirty (30) minutes to

- present evidence unless exceptional circumstances require additional time. Either party shall have the right to cross examine witnesses presented by the other. Both parties shall have the right to presence and participation of legal counsel.
8. Unless otherwise requested by the Complainant, a hearing shall be considered confidential and shall be closed except for the parties and their witnesses.
  9. No written transcript of any hearing shall be made; however, at the request of either party, a recording device may be utilized to record the proceedings.
  10. The Hearing Officer shall mail the Complainant a copy of his/her written decision within ten (10) days after the hearing unless, in his/her judgment, additional time is required. The decision shall include the reason or reasons for the Hearing Officer's decision and a summary of the evidence. The Hearing Officer's decision is final.
  11. If, upon receipt of the decision of the Hearing Officer the Complainant is still dissatisfied with the content of the education records, he or she may insert into such records an explanation respecting its content. The statement must be maintained in the contested part of the record. If the contested part of the record is maintained electronically, the statement shall be limited to fifty (50) words. If the contested part of the record is maintained in paper format, the statement shall be limited to a maximum of two (2) typewritten pages, one side only. The complainant shall have twenty (20) days from the date of the Hearing Officer's decision to submit a written statement. The written statement is to be submitted to the Hearing Officer.