

# Manchester City Schools

## Student Records Correction Procedure

For the purpose of outlining the procedure for correcting education records, the term “incorrect” will be used to describe a record that is inaccurate, misleading, or in violation of students rights. The term “correct” will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term “requester” will be used to describe the parent(s) of a student or the eligible student who is asking the school system to correct a record.

1. **First level decision** – When a parent(s) of a student or an eligible student finds an item in the student’s education record which he/she believes is incorrect, he/she should immediately ask the records custodian to correct the item. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this lever, the records custodian will make the correction.

If the record is changed at this level, the method and result must satisfy the requester. If the custodian cannot change the record to the requester’s satisfaction or the record does not appear to be obviously incorrect, he/she will:

- a. Provide the requester a free copy of the record in question;
- b. Ask the requester to initiate a written request for the change; and
- c. Follow the procedure for a second level decision.

1. **Second level decision** – The written request to correct a student’s education record through the procedure at this level should specify the correction the requester wishes the system to make. It should identify the item the requester believes is incorrect and state why he/she believes the item:

- a. Is inaccurate; or
- b. Is misleading; or
- c. Violates student rights;

The request will be dated and signed by the requester.

Within two weeks after the records custodian receives a written request, he/she will:

- a. Study the request;
- b. Discuss it with other school officials (the person who made the record or those who may have a professional concern about the district’s response to the request);
- c. Make a decision to comply or decline to comply with the request; and
- d. Complete the appropriate steps to notify the requester of the decision or move the request tot he next level for a decision.

If, as a result of this review and discussion, the records custodian decides the record should be corrected, he/she will make the change and notify the requester in writing that he/she has made the change. Each notice will include an invitation for the requester to inspect and review the student’s education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he/she will make a written summary of any discussions with other officials and of his/her findings in the matter. He/she will transmit this summary and a copy of the written request to the director of schools.

3. **Third level decision** – The director of schools will review the material provided by the records custodian and if necessary, discuss the matter with other officials such as the school attorney or the Board. He/she will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the director of schools will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the director of schools decides the record is incorrect and should be changed, he/she will advise the records custodian to make the changes. The records custodian will advise the requester of the change as he/she would if the change had been made at the second level.

If the director of schools decides the record is correct he/she will prepare a letter to the requester which will include:

- a. The school system's decision that the record is correct and the basis for the decision;
  - b. A notice to the requester that he/she has a right to ask for a hearing to present evidence that the record is incorrect;
  - c. Instructions for the requester to contact the director of schools, or an official he/she designates, to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The school system will not be bound by the requester's position on these items, but will, so far as possible, arrange the hearing as the requester wishes; and
  - d. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.
2. **Fourth level decision** – (Due process procedures as contained in TCA 49-10-601 must be substituted for this level of correction procedures for handicapped students.) After the requester has submitted (orally or written) his/her wishes concerning the hearing officer and the time and place for the hearing, the director of schools will, within a week, notify the requester when and where the school system will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record (second level).

Within a week after the hearing, the hearing officer will submit to the director of schools a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his/her recommendation, based solely on the evidence presented at the hearing.

The director of schools will prepare the system's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and will take into account the hearing officer's recommendation. The director of schools may overrule the hearing officer if he/she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the school system's decision, the director of schools will take one of the following actions:

- a. The school system's decision that the record is correct and will not be changed;
- b. A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the school system's decision; and

- c. Advise the requester that he/she may place in the student's education record an explanatory statement which states the reasons he/she disagrees with the school system's decision and/or the reasons he/she believes the record is correct.
3. **Final Administrative Step in the Procedure** – When the school system receives an explanatory statement for the requester after the hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed, the explanatory statement also will be disclosed.