AMENDMENT OF EDUCATION RECORDS

A. Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights.

B. For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of student 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 of a student or the eligible student who is asking the Ingham Intermediate School District to correct a record.

C. **First Level Decision** - When a parent of a student or an eligible student finds an item in the student's education record which he/she believes is inaccurate, misleading, or in violation of student rights, he/she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

D. 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:

   1. Provide the requester a copy of the questioned record at no cost;
   
   2. Ask the requester to initiate a written request for the change; and
   
   3. Follow the procedure for a second level decision.

E. **Second Level Decision**

   1. The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should identify the item the requester believes is incorrect and state whether he/she believes the item:
a. Is inaccurate and why;

b. Is misleading and why; or

c. Violates student rights and why.

2. The request will be dated and signed by the requester.

F. Within two (2) weeks after the record custodian receives a written request he/she will:

1. Study the request;

2. 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);

3. Make a decision to comply or decline to comply with the request; and

4. Complete the appropriate steps to notify the requester or move the request to the next level for a decision.

G. If, as a result of this review and discussion, the record custodian decides the record should be corrected; he/she will effect the change and notify the requester in writing that he/she has made the change. Each such 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.

H. 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 school superintendent.

I. Third Level Decision - The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school Board (in executive session). 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 (2) weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

J. If the superintendent decides the record is incorrect and should be changed, he/she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he/she would if the change had been made at the second level.
K. If the superintendent decides the record is correct, he/she will prepare a letter to the requester, which will include:

1. The school district's decision that the record is correct and the basis for the decision;

2. A notice to the requester that he/she has a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing;

3. Instruction for the requester to contact the superintendent, or an official he/she designates, to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing (The district will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes.); and

4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

L. **Fourth Level Decision** - After the requester has submitted (orally or in writing) his/her wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer.

M. 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).

N. Within three (3) weeks after the hearing, the hearing officer will submit to the school superintendent 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 that the record should be changed or remain unchanged.

O. The school superintendent will prepare the district's decision within four (4) weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent 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 district's decision, the superintendent will take one of the following actions:
1. If the decision is that the district will change the record, the superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision; or

2. If the decision is that the district will not change the record, the superintendent will prepare a written notice to the requester, which will include:

   a. The school district's decision that the record is correct and will not be changed;

   b. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's action; and

   c. Advice to the requester that he/she may place in the student's education record an explanatory statement that contains the reasons he/she disagrees with the school district's decision and/or the reasons he/she believes the record is incorrect.

P. **Final Administrative Step in the Procedure** - When the district receives an explanatory statement from a requester after a 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 will also be disclosed.

LEGAL CITATION: FERPA, Section 99.21
Adopted: October 20, 1981