

OPERATING GUIDELINE

PROCEDURES FOR AMENDING EDUCATION RECORDS

Boerne ISD

130901

Legal Framework: [Procedures for Amending Education Records](#)

Category: Records

“With regard to the amendment of education records, [Family Educational Rights and Privacy Act] FERPA affords parents the opportunity to seek amendment of their child's education records which they believe contain information that is inaccurate or misleading. While a school is not required to amend a record in accordance with a parent's request, it is required to consider the request for amendment of an education record, to inform the parent of its decision, and if the request is denied, to advise the parent of the right to a hearing on the matter. If, as a result of a hearing, a school decides not to amend the record, then the parent has the right to insert a statement in the record setting forth his or her views. That statement must remain with the record for as long as the record is maintained.” [FPCO Letter to Anonymous \(May 1, 2015\)](#).

“This right is not unlimited, however, and a school is not required by FERPA to afford a student the right to seek to change substantive decisions made by school officials, such as grades or other evaluations of a student. This fact is indicated in the legislative history of FERPA. The primary source of legislative history regarding FERPA is contained in the ‘Joint Statement in Explanation of Buckley/Pell Amendment,’ Volume 120 of the Congressional Record, pages 39862-39866. The Joint Statement states that FERPA was ‘*not intended to overturn established standards and procedures for the challenge of substantive decisions made by an educational institution.*’ (Emphasis added.) FERPA was intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Thus, while FERPA affords students the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade, an individual's opinion, or a substantive decision, such as disability placement or services.” [FPCO Letter to Anonymous \(May 1, 2015\)](#).

“The parent is not required, under the Act and these regulations, to follow the procedures that are applicable to filing a due process complaint under §§ 300.507 through 300.510. This is because the hearing authorized under § 300.619 is for the explicit purpose of giving a parent the opportunity to challenge the information in education records when a parent believes the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.” 71 Fed. Reg. 46736 (2006).

Through the implementation of the Boerne ISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Boerne ISD ensures that parents are afforded the opportunity to seek amendment of their child's education records as required by the FERPA, Individuals with Disabilities Education Act (IDEA) and its accompanying federal regulations, state statutes and regulations.

PERSONS RESPONSIBLE: Director and/or Assistant Director of Special Education

If the parent believes that his or her child's education records are inaccurate, misleading, or violate his or her child's rights, the parent may ask the school to amend the information.

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- Within a reasonable time the school must decide whether to amend the information.
- If the school refuses to amend the information as requested, it must inform the parent of the refusal and of his or her right to a hearing to challenge the information in the records.
- This type of hearing is a local hearing under [FERPA](#) and is not an [IDEA](#) due process hearing held before an impartial hearing officer.
- If, as a result of the hearing, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must change the information and inform the parent in writing.
- If, as a result of the hearing, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parent must be informed of his or her right to place a statement commenting on the information in the student's records for as long as the record or contested portion is maintained by the school.
- If the parent revokes consent in writing for the student's receipt of special education and related services after the school initially provided services to the student, the school is not required to amend the student's education records to remove any references to the student's previous receipt of special education services.
- However, the parent still has the right to ask the school to amend the student's records if the parent believes the records are inaccurate, misleading, or violate the student's rights.