

### **R 11-19-9 Parent/Guardian's or Eligible Student's Right to a Hearing**

- ❖ Any parent or eligible student shall, on written request, have the opportunity to challenge the content of a student's record if s/he feels the information is inaccurate, misleading or in violation of privacy rights.
- ❖ If, as a result of a hearing, the local education agency decides the information is inaccurate, misleading or in violation of privacy rights of students, it shall amend the education records of the student accordingly and so inform the parents of the student or eligible student in writing.
- ❖ If, as a result of the hearing, the local educational agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student in writing of the right to place in the education records of the student a statement commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the agency or institution.
- ❖ Any explanation placed in the education records of the student shall:
  - Be maintained as a part of the education record of the student as long as the record is being contested;
  - Be disclosed if the education records of the student or the contested portion thereof are disclosed by the educational agency or institution to any party.

### **Conduct of the Hearing**

The required hearing shall be conducted according to procedures that shall include at least the following elements:

- ❖ The hearing shall be held within a reasonable period of time (45 days) after the educational agency or institution has received the request;
- ❖ The parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing (14 days);
- ❖ The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing;
- ❖ The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under *File: R 11-19-10*, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;
- ❖ The educational agency or institution shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and
- ❖ The decision of the educational agency or institution shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.