

**“SCRIPT” FOR CLOSED SESSION PROCEEDING CONDUCTED  
BY GOVERNING BOARD CONCERNING APPEAL  
OF DENIAL OF PUPIL RECORD CHALLENGE**

Board President:

"This is the time and place set for consideration of the appeal filed by \_\_\_\_\_ from the Superintendent's decision to deny a pupil record challenge concerning (state name of document(s)). The pupil's parent/guardian submitted an appeal of the superintendent's decision. I am the President of the Board of Trustees and the following other members of the board are also present:

[State name of members present]

"The record shall show that \_\_\_\_\_ are present."

[If an attorney is present, state this,  
and the name of the party being represented.]

Board President:

"Education Code section 49070 provides that the consideration of the appeal shall be held in closed session with the parent or guardian and the certificated employee who recorded the information in question."

Board President:

"The board has received the information submitted by the pupil's parent/guardian in support of the pupil record challenge. The board will permit the pupil's parent/guardian to present additional information or documents. The pupil's parent/guardian has a right to inspect and obtain copies of all documents presented during this meeting. The board has also received information from the certificated employee. The board will permit the certificated employee to present additional information or documents. This meeting will not include the calling and examination of witnesses by the parties. The parent/guardian and the school district employee shall each be limited to \_\_\_\_ minutes in presenting additional information."

Board President:

"These proceedings shall be tape recorded."

Board President:

"The allegations regarding the pupil record shall be sustained only upon a showing that the challenged pupil record is:

- (1) Inaccurate,
- (2) An unsubstantiated personal conclusion or inference,
- (3) A conclusion or inference outside of the observer's area of competence,
- (4) Not based on the personal observation of a named person with the time and place of the observation noted,
- (5) Misleading, or
- (6) In violation of the privacy or other rights of the pupil."

Board President:

"At the conclusion of the presentation by the pupil's parent/guardian and the school district employee, the board will make a determination whether to sustain or deny the allegations."

Board President:

"I call upon the pupil's parent/guardian [or the pupil's representative] to present any additional information concerning the pupil record challenge at this time."

*[The parent/guardian or representative presents additional information concerning the pupil record challenge.]*

Board President:

"At this time, the school district employee may present any additional information concerning the pupil record challenge."

*[The school district employee presents additional information relating to the pupil record challenge.]*

Board President:

"Having heard the information presented by the school district employee, the parent/guardian may make a brief response."

*[Parent briefly responds]*

Board President:

"Records of these proceedings shall be maintained in a confidential manner and destroyed one year from the date of the decision, unless the parent/guardian initiates legal proceedings relative to the pupil record within the prescribed period."

Board President:

"If the governing board sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the written records of the pupil, and so inform the parent/guardian in writing."

"If the final decision of the governing board is unfavorable to the parent/guardian, the parent/guardian shall be informed and shall have the right to submit a written statement of his/her objections to the information. Pursuant to Education Code section 49070(d), this statement shall become a part of the pupil's school record until the information objected to is corrected or removed."

Board President:

"At this time, the board will deliberate in private to reach its decision. After the deliberation, the board will issue a written decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence at the hearing.

"The decision will include:

- (1) a summary of the evidence, and
- (2) the reason for the decision."

*[The room is cleared of everyone (including school district representatives) other than the board members and the board deliberates. Following deliberation, the board will see that a written decision is prepared which includes a summary of the evidence, and the reason for the decision.]*