**Section 375.90 Challenge Procedures**

a) Parents shall be notified both of their right to a hearing to challenge any entry in the school student records except for academic grades and of the name and contact information for the official records custodian. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to expulsions or out-of-school suspensions or to academic grades. Challenges to any other entry in the school student records can be made on the basis of:

1) accuracy;

2) relevance; or

3) propriety.

b) The request for a hearing shall be submitted in writing to the school district's official records custodian and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.

c) Each school shall establish administrative procedures for parents to challenge the contents of student records. These procedures shall include:

1) An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.

2) If the challenge is not resolved by the informal conference, formal procedures shall be initiated.

A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.

B) The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.

C) At the hearing each party shall have the rights outlined in Section 7(b)(1) through 7(b)(4) of the Act.

D) A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.

E) The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:

i) To retain the challenged contents of the student record;

ii) To remove the challenged contents of the student record; or

iii) To change, clarify or add to the challenged contents of the student record.

d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent within 20 school days after the decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent. The school may initiate an appeal by the same procedures. Upon receipt of the documents, the Regional Superintendent shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent should seek advice from special education personnel:

1) who were not authors of the entry, and

2) whose special education skills are relevant to the subjects of the entry in question.

e) The school shall be responsible for implementing the decision of the Regional Superintendent.

f) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (see Section 7(c) of the Act).

(Source: Amended at 36 Ill. Reg. 2220, effective January 24, 2012)