

# School Records and Parents' Rights

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A child's school records contain important information for making education decisions. Since parents of children with disabilities are an essential part of their child's education planning team, it's important for them to review and understand the information these records contain. These files are used by teachers and other school officials and may influence how they view a student. Parents need to review their child's records to make sure the information is accurate. Parents' rights regarding school records are spelled out in federal and state law and in the Family Educational Rights and Privacy Act (FERPA).

## **Parents have the right to see their child's school records.**

Parents (including a parent, a guardian, or an individual acting as a parent) may see all of their child's school records. This remains the case unless the school has been given a divorce decree or other legal document that specifically revokes these rights. Parents may see any records used by the school for the identification, evaluation, educational planning, and/or placement of their child. If requested, the school district must give parents the opportunity to look at all of their child's educational records.

The rights regarding school records transfer to students at age 18 (unless they are determined to be incompetent by law). Parents, however, may see school records as long as they claim their child as a dependent on their income tax return.

## **Can parents obtain copies of the records?**

Yes. Parents may request that the school provide copies of the records. The school may charge parents for the costs of making the copies unless the cost prevents the parents from obtaining copies. The school may not charge a fee to search for or retrieve a student's educational records.

## **When can parents see and obtain copies of their child's records?**

Parents can request to examine and obtain copies of their child's educational records at any time. In Minnesota, the school shall comply immediately or within 10 days if immediate compliance is not possible. The records must be available to parents before any meeting or hearing regarding identification, evaluation, or placement of their child.

## **Can a school refuse to show parents any records?**

No. However, the school has the right to refuse to show parents the personal notes a teacher or a counselor made for his or her own use, if those notes are not kept in the child's file. The school can also refuse to show parents personnel records of school employees or the records of school security police if kept separate from school records and used only for local law enforcement.

## **Can parents have someone explain the records?**

Yes. The school must respond to a reasonable request to have the records explained by a qualified staff person. Parents may also have their own representative inspect and review the records.

## **Can parents seek amendment of their child's school records?**

Yes. If parents believe that the records contain misleading or inaccurate information or violate their child's privacy or other rights, they may request that the information be removed or amended. Parents should make the request in writing to the school principal and include their reasons for the amendment.

The school must decide, within a reasonable period, whether to change the record. If the parents' request is denied, the school must inform the parents of their right to a hearing and the procedure for requesting a hearing.

If parents request a hearing in writing, an impartial hearing officer will make a decision after considering the evidence on both sides. If the hearing officer decides in favor of the parents, the school will

amend the record and inform the parents in writing that it has done so. If the hearing officer decides that the disputed information is *not* inaccurate, misleading, or otherwise in violation of the child's rights, it will remain in the records. Parents, however, may place a written statement in the records to explain their reason for disagreement. This statement will then become a part of the child's records. If the disputed part of the record is released to anyone, the parents' statement must also be included.

### **What happens to records after the child no longer receives special education services?**

The school shall inform parents when personally identifiable information about their child is no longer needed to provide education services. Upon written request by the parents, the information must be destroyed. However, schools may maintain a permanent record of the student's name, address, telephone number, grades, attendance, classes attended, grade level completed, and year completed.

### **Who can see a child's school records in addition to parents?**

In addition to parents, school officials with legitimate educational interests may see a child's school records. The school may also send records to another district in which the student seeks to enroll. Schools may disclose educational records to officials in state juvenile systems only as permitted by state law.

When any additional person or agency makes a request to see a child's school records, the parents must be contacted for consent. They must be informed about what records have been requested, by whom, and for what reason. The school will keep a record of anyone who views a student's records, other than the student's parents or authorized school employees. The record will include the viewer's name, the date, and the purpose for requesting the student's records.

### **Is there an appeal beyond the school?**

Yes. If the school refuses to let a parent see or seek revision of school records, or if the school releases information from the student's records without parental consent, parents may file a written complaint. Send complaints to

#### **Family Policy Compliance Office**

U.S. Department of Education

Washington, DC 20202-4605

The complaint letter should contain specific information about the violation, including names and dates, reasons given for school's denial of the parent request, and copies of any correspondence relating to the matter.

FEPR staff will contact the school and investigate the complaint. If the school is found to be in violation, it will be required to correct the violation within a specific time.

Parents of children with disabilities in Minnesota may wish to contact the special education director of their district or file a complaint with the state:

#### **Division of Accountability and Compliance**

**MN Dept. of Children, Families & Learning**

1500 Highway 36 West

Roseville, MN 55113-4266

(651) 582-8689

Minnesota state law, including Chapter 13 of the Minnesota Government Data Practices Act, defines public and private data. The law requires the agencies that collect and disseminate such data to meet certain requirements and develop procedures to assure confidentiality. It also outlines penalties for violating the data privacy. For further information, contact

#### **Data Practices Division**

**MN Dept. of Administration**

305A Centennial Building

658 Cedar St.

St. Paul, MN 55155

(651) 296-6733