



WHEN ARE YOU ENTITLED TO SEE AND CORRECT YOUR CHILD'S SCHOOL RECORDS

IMPORTANT: ELC's publications are meant to give you a basic idea of the law. However, each situation is different. If, after reading this fact sheet, you have still questions about the law in your situation, call us for a referral, or call an attorney of your choice.

Do Parents Have the Right to See Their Child's School Records?

Parents have the right to see the public school records of their child, if the child is under 18. When students turn 18, they have the right to see their own records.

School records include most of the information a public school keeps on a child. This includes:

- Grades
- disciplinary reports
- attendance records
- behavior reports
- standardized test results

However, parents and students can't see the personal notes of a teacher or other school officials that are kept private and not shared with anyone.

Usually parents who are separated or divorced can both see their child's records. This is not true when there is a Court Order saying only one parent can see the records.

How Do I See My Child's Records?

To see your child's records, send a letter to the school principal. Make sure you say you want to see **all** the records that the school district has on your child. School districts sometimes keep records in several different offices. Keep a copy of the letter for yourself.

The school has to let you to see the records within **45 calendar days** after they get your request. If your child gets special education services, you have the right to see the records sooner if you need them to prepare for an IEP meeting or a due process hearing. Parents of children with disabilities also have the right to have their representative (like a lawyer or advocate) review their child's education records.

Can I Get Copies of the Records?

You have the right to "**inspect and review**" your child's education records. However, you do not have an absolute right to get copies of your child's records. Schools usually follow the law that lets parents "inspect and review" records by giving parents a copy of the records. Schools *have* to give a parent copies of records if not doing so would, in effect, keep the parent from reviewing the records. For example, a parent needs copies of the records if he or she is physically disabled and can't get to the school to review the records there. Schools may charge you a fee for making copies, but only for the actual cost of copying. School officials can't charge you for finding the records. Many school districts provide parents one copy of their child's records for free. If you ask for it, a school official has to go over the records with you to help you understand them.

If your child is in **special education**, you have the right to get a copy of his or her Evaluation Report (ER) and Individualized Education Program (IEP). If you are getting ready for a due process hearing, you also have a right to get copies of any records that the district might use as evidence at the hearing.

Do Parents Have the Right to Keep Their Child's School Records Private?

Normally, the school has to get your written consent before someone outside the school system can see any of your child's records. However, the school does *not* need your okay before it can send the records to another school system or college where your child wants to go. There are some other exceptions to this rule, like if there is a health or safety emergency that would require the release of information from your child's records to someone outside the school.

Do Parents Have the Right to Correct Their Child's School Records?

If your child's records are **inaccurate**, you have the right to ask that they be changed. Records are inaccurate, for example, if they say that your child got a B in English when the teacher told you she got an A. You also have that right if the records are **misleading**: if they, for example, leave out an important fact about a disciplinary incident. You can also ask for the school to change the records if you think they **violate your or your child's privacy**. Write a letter to the school principal asking him or her to fix the records.

If school officials do not agree with you, you have the right to ask for a **"records hearing"** to show why the records should be changed. A school district employee can lead the hearing, if he or she does not have a "direct interest" in the results of the hearing. For example, the hearing officer shouldn't be the teacher that the parents say wrote up a misleading disciplinary report about their child. The school district has to issue a written decision on the issues covered at the hearing. **Even if you lose at the hearing, you have the right to put a written statement in your child's records explaining the problem with the records.**

What If School Officials Don't Follow These Rules?

You have the right to file a complaint with the federal government if the school doesn't follow the laws. Send a letter explaining the problem to:

Family Policy Compliance Office (FPCO)
U.S. Department of Education
400 Maryland Ave., SW
Washington D.C. 20202-5920

Complaints must be filed within **180 days** of the school's violation of these rules or within **180 days** of the time you learned that school officials violated these rules.

If your child is in **special education** and you think your school didn't follow the rules about giving you access to records, you can also file a complaint with the:

Division of Compliance, Monitoring, & Planning
Bureau of Special Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

You can also call the Special Education ConsultLine at 1-800-879-2301 with questions.

More information about the federal law about education records (called the **Family Educational Rights and Privacy Act** or FERPA) can be found at:

<http://www.ed.gov/policy/gen/guid/fpc/ferpa/index.html>.