



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

**IMPORTANT:** ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact 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 age 18. When students become 18 years old, they have the right to see their own records.

School records include most of the information a public school keeps on a child, including grades, disciplinary reports, attendance records, behavior reports, standardized test results, etc. However, parents and students cannot see the personal notes of a teacher or other school official that are kept private and not shared with anyone.

Ordinarily, parents who are separated or divorced can both see their child's records, unless there is a Court Order to the contrary.

### 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 must allow you to see the records within **45 calendar days** after getting your request. If your child receives special education services, you have the right to see the records sooner if you need the records to prepare for an IEP meeting or a due process hearing. In addition, parents of children with disabilities have the right to have a representative of the parent 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, although you do not have an absolute right to get copies of your child's records. However, schools usually comply with the law that allows parents the right to “inspect and review” records by giving parents a copy of the records. Schools *are* required to provide copies of records if a failure to do so would effectively prevent the parent (or eligible student) from reviewing the records. (For example, a parent may be entitled to copies of the records if he or she is physically disabled and is unable to 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 may not charge you for finding the records. Many school districts provide parents one copy of their child's records for free. If you want, a school official must 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). In addition, if you are preparing for a due process hearing, you have a right to get copies of any records that the school district might use as evidence at the hearing.

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

With some limited exceptions, the school must get your written consent before it can release any part of your child's records to someone outside the school system. However, your consent is *not* required before the school can send the records to another school system (or college) where your child wants to enroll.

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

If you find that the records are **inaccurate** (for example, your child's records state that she received a B in English when the teacher told you she received an A) or **misleading** (for example, the records omit a crucial fact about a disciplinary incident), or if you think they **violate your or your child's privacy**, you have the right to ask that the records be changed. Put your request in writing and send it to the school principal.

If school officials do not agree with you, you have the right to ask for a hearing to show why the records should be changed. An employee of the school district can conduct the hearing, as long as the hearing officer does not have a “direct interest” in the outcome of the hearing. For example, the hearing officer shouldn't be the teacher whom the parents are arguing wrote up a misleading disciplinary report about their child. The school district must issue a written decision on the issues presented 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**

your objections.

## What If School Officials Don't Follow These Rules?

You have the right to file a complaint with the federal government if the laws are not followed. Just send a letter explaining the problem to:

Family Policy Compliance Office  
U.S. Dept. of Education  
400 Maryland Ave., SW  
Washington D.C. 20202-4605

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, you can also file a complaint with the:

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

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

<http://www.ed.gov/offices/OM/fpco/ferpalist.html>.

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