

Know Your Child's Rights
Concerning His/Her

School Records



A Publication of
Advocates for Children of New York, Inc.



What Records Do Schools Keep On Students?

Elementary and JHS/IS Student Records

- ◆ Cumulative Records – Permanent – Includes:
 - grades
 - test data
 - attendance data
- ◆ Cumulative Health Records, including immunization history (kept in school medical office)
- ◆ Guidance Records – Temporary
- ◆ Anecdotal Records – Temporary

High School Student Records

- ◆ Pupil Permanent Record Card (same information as cumulative records)
- ◆ Anecdotal Records
- ◆ Guidance Records
- ◆ Health Records (kept in school medical office)



What information can be put in a child's records?

.. **Grades, test scores, official disciplinary actions, school activities, and achievements**

Out-of-school activities or incidents of the student and family cannot be entered in school records.

◆ “Derogatory Entries”

- Any time the school enters “derogatory” information into your child’s file (any negative information about your child), you must be notified within 15 school days from the time that the school became aware of the incident that led to the entry.
- Parents can dispute any derogatory information that is in their child’s file.



What can you do about negative information in your child’s school records?

Under the **Family Educational Rights and Privacy Act (FERPA)**, you have a right to amend or contest any derogatory information in your child’s school records.

Add your own entry

Any time the school enters information into your child’s file that is untrue or only presents one side of the story, you can add any information into your child’s file and have it attached to the derogatory information you disagree with. This way, anybody who sees the derogatory entry will also see the other side of the story.

Appeal to have the information removed

Whenever the school enters information into your child’s file that should not be there, you should appeal

to have that information removed.

The type of entries that you should appeal are:

- ◆ Information about your family or child that is not relevant to your child's education
- ◆ Information that is not true
- ◆ Derogatory information that was placed in your child's file that you were never informed of.

Who to Appeal To - Step by Step

Non Special Education Records

- ◆ First, request a conference with the principal within three months of notification of the entry.
- ◆ Next, submit a written appeal to the principal within 15 school days of the principal's decision from the conference.
- ◆ Next, within 15 school days of the principal's decision from your written appeal, you can appeal to the Division Superintendent or the Superintendent of City-Wide programs (for special ed students in District 75 programs).
- ◆ Finally, request an impartial hearing within 20 school days of receiving the final decision.

Special Education Records

- ◆ First, request a conference with the Chairperson of the Committee on Special Education within three months of notification of the entry.
- ◆ Next, submit a written appeal to the Chairperson within 15 school days from the decision from the conference.
- ◆ Next, submit a written appeal to the Clinical Administrator of the Regional Office within 15

school days of the decision from your written appeal.

- ◆ Next, submit a written appeal to the Executive Director of the Division of Special Education within 15 school days of the decision from the Clinical Administrator.
- ◆ Finally, request an impartial hearing within 20 school days of receiving the final decision.



How do you get access to your child's records?

As protected by **FERPA**, you have a right to access your child's entire school record (unless your child is 18 or over, in which case s/he must sign a waiver giving you access to his/her files).

When you request to see your child's record, the school must make your child's file available to you as soon as possible but the law gives them up to 45 calendar days to comply.

To make sure that the school does not ignore (or forget) your request, put your request in writing, keep a copy and send the request certified mail, return receipt requested (or get a receipt from the office if you deliver the request in person).

You also have a right to get a copy of your child's entire record. The school can charge you up to 25¢ a page, but this cost can be waived if you say that you cannot afford it.



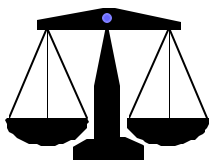
Who else can see your child's records?

Access to your child's records is protected by FERPA.

All high school students have the right to access their school records.

Department of Education employees can have access to information in your child's file when they have a "specific and legitimate educational reason for the request." (Chancellor's Regulation A-820, p.13) Current teachers, guidance counselors and others providing on-going services to your child do not need to request permission to access your child's records when they have a legitimate reason for reviewing them. All other Department of Ed employees must write a request for access to information, stating the reason they need it. The principal or head of the office keeping the records must keep a written record of every request to see the records, except for requests by yourself or your child.

Non Department of Ed employees may not have access to your child's file unless 1) you give permission for that information to be given to the requesting agency or person, or 2) there is a "court order, state law or lawfully issued subpoena" requesting the information. Likewise, the school cannot give out any "personally identifiable information" about your child to non Department of Ed employees.



What do you do if the school illegally gives out information concerning your child?

- ◆ Write a complaint to the principal, and request a remedy (i.e. reprimanding the teacher who gave out the information, or changing your child's class)
- ◆ If you are unhappy with the principal's response, write a complaint to the Division Superintendent, requesting a remedy (i.e. reprimanding the principal, changing the child's school, receiving an apology).

The Family Policy Compliance Office

If your child's school violates any of your child's FERPA rights (does not give you access to your child's records or illegally gives out information about your child), you can always write a complaint to the:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

Writing this office is a serious step. It is always a good idea to start writing your complaints at the bottom (i.e. the teacher/principal) and working your way up. That way you give as many people possible the opportunity to right the wrong, and you avoid making enemies.

Advocates for Children of New York, Inc.
151 West 30th Street, 5th Floor
New York, New York 10001
(212) 947-9779

9/03 jk