

Parents:

Your child's school record is an important source of information. Under state and federal confidentiality requirements, you have rights concerning this record. These rights have to do with inspection and release of your child's record.

The questions and answers that follow do not cover all requirements but may help you become more familiar with some of them.

What is confidentiality?

Confidentiality is protecting all personally identifiable data, information and records collected, used, or kept by the school district about a student. Confidentiality also applies to discussions about your child or your child's records.

What is personally identifiable data or information?

Personally identifiable information includes:

- ⇒ child or family names and address;
- ⇒ child's social security or student number;
- ⇒ descriptions that would make it easy to identify your child; and
- ⇒ anything else that would make it easy to identify your child.

What is a school record?

A school record, which is sometimes called an "educational record" or a "permanent record," is anything that the district collects, uses, or keeps about a child. This includes grades, health information, attendance reports, work papers, school photos, test results, etc. Data or information may be handwritten, drawn, or typed. It may also be a photograph, on audio or videotape, or on computer disk.

Does all the information in my child's school record have to be kept in one place?

No. Many school districts have information in several places, including on computer. School staff must tell you the types and locations of all information about your child.

How do I find about my rights?

At least once a year, the school district will tell all parents about their rights related to confidentiality of student records. Some districts put this notice in the local newspaper. Others send the notice to your home.

These rights are also described in information the school gives you to explain your rights as the parent of a child who has a disability. You may call your child's school and ask for an explanation of these rights. You may also ask for an explanation at any Admissions and Release Committee (ARC) meeting.

What are some of my rights?

You have the right to look at the record kept on your child. School staff will give you information on where the record is kept, how you can see it, and how you can get a copy of the record. The school district may charge a small fee for making copies of the record, but the school district may not charge for getting the record out of the files.

The school will **respond to** your request to see the record at any time. If there is some reason why you cannot get to the school to see the record, the school will send you a copy if you ask.

It is important that you read your child's record and understand the information in it. If you do not understand something in your child's record, ask for school staff to explain the information to you, or, have someone else, such as a friend, look at the record with you.

What kinds of information may I see?

You may see the following kinds of information that a school district might keep about your child:

- ⇒ personal and family information;
- ⇒ testing information;
- ⇒ medical, psychological, and anecdotal reports;
- ⇒ achievement and progress reports;
- ⇒ records of conference with your child and you;
- ⇒ copies of letters and other correspondence about your child; and
- ⇒ other information that is helpful to the school in working with your child.

Is there any information the school does not have to show me?

Yes, the school does not have to show you:

- ⇒ teacher or counselor personal notes that are not shared with others;
- ⇒ school security police records; or
- ⇒ personnel records of school employees.

Who may look at my child's school records?

Only parents and certain others have the right to look at or get a copy of your child's record without your consent. School staff assumes that both parents have the legal right to see their child's record unless the school has been officially notified, usually through a court order. A parent is not

allowed to do this because of some legal action such as a divorce decree.

Some of the others who may look at your child's record or get a copy without your consent are:

- ⇒ staff from US or state department of education on official business;
- ⇒ another school district's staff if your child transfers; and
- ⇒ school staff involved in your child's education.

When does the school have to get my written permission for someone to look at or get a copy of my child's record?

The school district has to get your written consent before disclosing your child's school record to anyone other than the people listed above. Disclose means to allow someone to look at or give them a copy of your child's record. If you refuse to give consent, the school district may ask for a resolution meeting or hearing.

How does the school district make sure that my child's record is kept private?

Each school has someone who makes sure that all rules for records are followed. School staff who collect, use or keep school records receive training in protecting confidentiality. School staff makes sure that parents see only information about their child.

How will I know who has looked at my child's record?

The school district keeps a list of anyone who looks at or gets information from your child's school record. This list has the name of the person, the date the information was disclosed, and why the person was allowed

to look at the record. This list is shown to you if you request to see it.

What happens when my child's record is sent to another place?

When the school sends information to others, such as another school district, then the school district must list the people and agencies who get the information and tell why the record is needed. You may ask school staff how this is done. You may have a copy of any record sent to another district.

May I change my child's school record?

There may be a time when you think that information in your child's record is wrong or misleading. If this happens, you may ask the school district to change the record. The school then has to decide what to do and tell you its decision.

What can I do if the district decides not to change the record?

You may request a record amendment hearing. If you request a hearing on your child's record, the school will hold one. The hearing is conducted by someone who does not have an interest in the outcome of the hearing. A decision is given in writing no later than 14 days after the hearing. The district makes changes if the decision says to do this.

If the decision says the district does not have to change the record, then you have the right to put a statement in the record telling why you think the information is not right. This statement is kept as long as the part you disagree with is kept. If that part of record is shown or sent to anyone, your statement is also included.

A record amendment hearing is not the same as a due process hearing.

Additional information regarding school records can be obtained from the Family Education Rights and Privacy Act.

What happens when the school district no longer needs my child's record?

The district will tell you when your child's record is no longer needed to provide educational services to your child. The district may choose to destroy the records at this time, if they are no longer needed for administrative purposes. However, the district may keep basic information about your child as long as they think it is needed. This information includes your child's name, address, telephone number, attendance record, classes attended, grade level completed, and year completed.

May I ask for my child's record to be destroyed?

Yes, but only after the record is no longer needed to provide educational services to your child. The school will destroy your child's record if you ask them to do so. But, remember this information may be needed later for social security benefits or other reasons. You may request a copy of your child's record before it is destroyed.

What happens when my child turns 18?

The school district will notify you that the rights you have as a parent will go to your child on your child's 18th birthday. This happens unless the school district receives evidence that a court order or legal document proves you are your child's guardian or representative in educational matters.

What rights do I have as a foster parent?

If you are the foster parent for a child with a disability, you have the right to review and inspect the school records of the child.

What rights do I have as a surrogate parent?

If you are serving as a surrogate parent for a child with disabilities, you have the same rights as any other parent.

If you have questions about confidentiality of your child's record, please talk with your principal, school counselor, or the director of special education for your school district.

Printed with federal funds.
Kentucky Department of Education
Exceptional Children Services
February 2004
jsr

**CONFIDENTIALITY
of Your Child's
School Records**



**Questions and Answers for Parents of
Children with Disabilities**