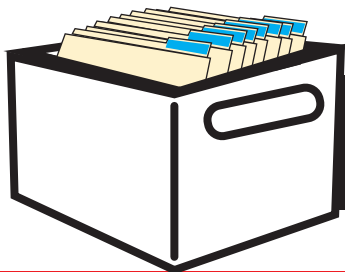




FFLIC

ISSUE: I WANT ACCESS TO MY CHILD'S SCHOOL RECORDS.



WHAT IS A RECORD?

According to law (RS 17:406.9), "school records" includes the following:

1. Academic records
2. Medical or health records
3. Records of any mental health counseling
4. Records of any vocational counseling
5. Discipline and attendance records
6. Records associated with a child's screening for learning challenges, exceptionalities, plans for an Individualized Education Program, or Individual Accommodation Plan.
7. Textbooks, curriculum, and supplemental materials.

WHAT ARE YOUR AND YOUR SCHOOL'S RESPONSIBILITIES IN MAINTAINING THE CHILD'S RECORDS?

SCHOOL'S RESPONSIBILITY



PROVIDE ACCESS TO THE SCHOOL CALENDAR.

Provide access to the school calendar on the school website for the academic year at least 30 days prior to the first day of school, (RS 17:406.9).

MAKE AND KEEP RECORDS AND GIVE ACCESS.

School administration and teachers are required to make and keep school records and provide a student's custodial and non-custodial parent/guardian access to inspect and review their child's academic records in accordance with the federal law, Family Educational Rights and Privacy Act, or FERPA, and state law, (RS 17:112 and RS 17:406.9). A school cannot withhold a record because of unpaid fines, debt, or other obligations (RS 17:112).

GIVE ACCESS WITHIN A REASONABLE TIME.

A school system has 10 days to provide the records in print or electronically under state law (or 45 days under FERPA). Electronic copies are free, but a school may charge for copies of a record, unless the charges make it so that the parent/guardian cannot access the record, (FERPA and RS 17:406.9)

INTERPRET OR EXPLAIN.

A school must respond to a reasonable request for interpretation or explanation of the record if a parent/guardian does not understand the record, (FERPA).

MAINTAIN CONFIDENTIALITY.

A school is not allowed to release the records to anyone outside the school system who is not involved in the child's education without parental consent, (FERPA). A school will not release any records or information to the parent if there is a pending investigation of child abuse or neglect conducted by any law enforcement agency or the Dept. of Children and Family Services where the parent is the target of the investigation, unless the parent has obtained a court order, (RS 17:406.9).

TRANSFER OF RECORDS.

A school must transfer a student's education records (including special education records) to their new school within ten business days, (RS 17:112).

PARENT/GUARDIAN'S RESPONSIBILITY



KEEP A CALENDAR.

At the beginning of each year, the parent/guardian should view and print the school's calendar to know important dates for progress report conferences, report card release, and testing.

KNOW WHAT RECORDS TO EXPECT AND ASK FOR RECORDS IN WRITING.

A parent should also ask the school to provide in writing what kinds of education records the school collects or uses to educate the child and where they are kept. In the case of any discipline action, a parent should keep a record. **Record requests are most effective in writing.** If it's not in writing, it's like it didn't happen.

KEEP THE CHILD'S RECORDS.

A parent should keep all of their child's education records in one place, as well as records of any conversations and meetings with school personnel concerning the child. Include the following information:

- Name of school personnel
- Date and time of interaction
- Summary of what was discussed

Following any meeting with school personnel, send an email to the person with whom you spoke and thank them for speaking with you. Include the date/time and summary of what was discussed. This will act as a record. As an alternative, audio record the meetings.

ASK IF YOU DO NOT UNDERSTAND.

If there is something you do not understand in the records, you can ask the school to provide clarification.

MAINTAIN CONFIDENTIALITY.

Confidentiality laws are aimed at protecting students. A parent should carefully think about who they share information with and make sure the person is trustworthy.

ENSURE THE TRANSFER OF RECORDS IF YOU TRANSFER YOUR CHILD TO ANOTHER SCHOOL.

Ask your child's new school to let you know when their school records arrive. This may be a good time to review the child's records.

IF THE SCHOOL DOES NOT COMPLY...

Check to see if the law/protections they are violating are state or federal. These are listed above. Federal is listed as FERPA, and "RS" signifies state law.

STATE

First, try to resolve the issue with the school.

If your school refuses to share records within the 10-day time frame or otherwise violates the protections of state law, you may file a complaint with the Louisiana Dept. of Education.
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802-5243
Toll-Free 1-877-453-2721



FEDERAL

First, try to resolve the issue with the school. If your school

refuses to share records within the 45-day timeframe or otherwise violates the protections of FERPA, you may file a complaint with:
Family Compliance Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: 1-800-USA-LEARN (1-800-872-5327)
Online: <https://studentprivacy.ed.gov/file-a-complaint>



For more detailed information on school records, including a sample letter to request the records, see Section 2.4 of the *Advocacy Center's "Education Rights of Children with Disabilities in Louisiana: A Guide for Parents."* Though this is for special education students, the guidance for writing the letter is helpful.

**Need help
advocating for your child?
Call FFLIC 504.708.8376.**