

SCHOOL RECORDS & CONFIDENTIALITY

Fact Sheet



Parents/guardians and their children often wonder what type of information the school may give out regarding a child's education. The following are answers to the most commonly asked questions regarding homeless students and schools.

What information is contained in school records?

School records are any information kept by a school about an individual student. These records can include the student's address, telephone number, birthday and age, parents' names, important medical information, grades, discipline reports, special education records, achievements, previous schools attended and information from teachers.

Who has access to school records?

School information can be given in four circumstances:

- Any school staff member with a legitimate educational need for the information can look in a student's file. This means there must be a good reason, related to the student's education.
- The student's parents may ask to see the file for any reason.
- Directory information, which includes the student's name, address, telephone number, date and place of birth, participation in activities and sports, and recent schools attended, may be given upon request. An example of this would be if a local newspaper is writing an article about the school.
- Under the federal No Child Left Behind act, military recruiters may receive information about a student if the student has not told the school that he or she does not want their information to be given to the military.

What if the information in the records is incorrect?

Parents may challenge the contents of the record. The correction will be made and a written explanation of the parents' reason for the change included in the record.

Can the school release student records?

With the permission of a student's parent or guardian, the school may release records. They may also release records without parental permission to other school officials who have a reason to need the records, officials in other school districts at which the student wishes to enroll, certain members of the state and

federal government, in connection with financial aid applications or receipts, in connection with any juvenile justice proceedings if the officials receiving the information certify in writing that they will not share the information, organizations doing a study on the school or accrediting the school, in emergency situations to individuals who need the information to help the student, upon being served with a subpoena. These rights transfer to the student once the student turns eighteen, unless a court has ordered otherwise.

If a student tells a teacher something that is private, does the teacher have to report what the student tells her?

Under the Code of Professional Ethics for Educators that all teachers must follow, teachers must keep confidential any information they have about a student unless the student is in danger. This means that if a student tells a teacher something that might be private but is not dangerous to the student, the teacher is not allowed to say anything to anyone else about it. But, if information is disclosed to a teacher that the student is being hurt or is scared of someone, the teacher may be required to tell someone else about it so that the student can get help to get out of the dangerous situation. A teacher must report any suspected dependency, neglect or abuse. For example, if a student tells a teacher she is being abused, it must be reported.

What must a counselor report?

Counselors and principals have to follow the same rules as teachers. If a student tells them something private that is not dangerous, they cannot tell anyone else. If the student tells them about something that is dangerous, they have to tell someone else.

Resources:

- 20 U.S.C. § 1232(g)
- 16 KY. ADMIN. REGS. 1:020 (Professional Code of Ethics for Educators)
- Educational Professional Standards Board of Kentucky, Ethics, *available at*
- <http://www.kyepsb.net/legal/index.asp>.
- KY. REV. STAT. ANN. § 620.030; § 160.720; § 160.700

Children's Law Center, Inc.
1002 Russell Street
Covington, KY 41011
Phone (859) 431-3313
Fax (859) 655-7553
Email: info@childrenslawky.org
<http://www.childrenslawky.org>