

ASK
Sybil Liberty
about



Getting an education isn't just about books and grades – we're also learning how to participate fully in the life of this nation. (Hey, **we are the future**, right?!!)

But in order to really participate, we need to know our rights – otherwise we may lose them. The highest law in our land is the U.S. Constitution, which has some amendments, known as the Bill of Rights. The Bill of Rights guarantees that the government can never deprive people in the U.S. of certain fundamental rights including the right to freedom of religion and to free speech and the due process of law. Many federal and state laws give us additional rights, too.

The Bill of Rights applies to young people as well as adults. And what I'm going to do right here is tell you about **INFORMATION PRIVACY.**

your right to keep your

SCHOOL RECORDS

private

WHAT KIND OF INFORMATION IS KEPT IN STUDENT RECORDS?

We live in an information society, where important data can be sent across the globe in a matter of seconds, and where one computer CD-ROM can house as much data as an entire library. Most people in this country agree that the easy flow of information makes our lives easier – but **most people also are concerned about who gets to see and use our private information.** Luckily for us, there are important regulations protecting personal student records – some of the most personal information about you there is.

Think of your student record as a **short chronicle of your educational life.** Schools keep records of your academic and personal progress, from kindergarten through graduation. And some schools keep student files for many years after the person has graduated or left.

Student records can include quantitative information like test scores, intelligence quotients (IQs), and grades. **They also can include more subjective information** like progress reports, psychological and psychiatric reports, and teacher evaluations.

While your student record is obviously a useful thing – it provides important information on how you have progressed in many areas of your education and development – too often, **schools like to hang your record over your head like a threat or a punishment:** the famous “that’s going to go in your record” line. Some schools even try to put irrelevant but extremely personal information about you in your record, such as your political or religious beliefs and practices. New Hampshire is one of the few states that prohibits schools from keeping records on student political activity.

CAN I VIEW MY OWN STUDENT RECORDS?

Thanks to the **1974 Family Educational Rights and Privacy Act** (known as the Buckley amendment), schools that receive any federal funding must make student records available for viewing by parents and the students themselves if they are 18 or older. (When I say “parent” I of course also mean legal guardian.) In some states the age is less than 18: in Delaware, it’s 14, and in Massachusetts it’s 14, or ninth grade.

However, **there is some information students can't access at all**, such as psychiatric reports and other non-educational records possessed by a counselor, doctor, social worker or the like. Your parents can see these files, though.

If you are over 18, you can designate a physician or other professional to have access to your records. And your parents can request in writing that your records be released to someone else: a lawyer, relative, counselor or friend, for example. Finally, **schools must respond to your request to view records within 45 days**, and they may charge a reasonable fee for the copying costs.

WHO ELSE CAN ACCESS MY RECORDS?

Lots of other people may want to see your student records: **other teachers, social workers, employers and the police**, among others. The level of protection your records have from outsiders varies from state to state. Generally, schools have the right to release information to teachers and school officials who have a ‘legitimate educational interest’ in your records – if you’re transferring to a new school, for example.

We spend a big part of our life in school, so **let's make a difference.** Join the student government! **Attend school meetings!** Petition your school administration! **Talk about your rights** with your friends! **It's up to us!**

"The interest of the student must supersede all other purposes to which records might be put."

– The National Education Association (NEA) Code of Student Rights and Responsibilities



Students and their parents have rights concerning access to the personal information contained in student records

like your score on a standardized test, a great deal of it may be totally subjective – such as what an educator thinks about your development or behavior. And some of it may even be totally unrelated to your academic and developmental growth – **and unflattering, embarrassing or even harmful to have in your official records.** Educators can be just as biased as anyone else.

If there is information you or your parents consider to be inaccurate, irrelevant or unfair, **there are ways to try**

to get it changed or deleted. You and your parents have the right to meet with school officials to request any part of your records be changed. If they refuse to do so, you have the right to a formal hearing before an impartial third party where you can tell your side of the story.

Even if the decision is not to change the record, you and your parents **have the right to place a statement in the record saying you find the entry inaccurate or unfair.** This becomes a permanent attachment to the record, and must be released along with any future requests for the record itself. Some states give students and parents more opportunities to contest student record entries than others – check with your local ACLU to find out the law in your state.

Of course, **the more active interest you and your parents take in the accuracy of your student records, the**

less likely it is that your school will be inaccurate or sloppy in its record keeping. And your parents should NEVER sign any blanket authorization to the school permitting it to release your information at its discretion. That can leave the door wide open for abuse of your privacy.

WHAT OTHER INFORMATION ABOUT ME IS OUT THERE?

Because we live in an information society, chances are lots of other organizations and entities have data on you: from insurance companies, banks and credit companies, to clubs you're in or once belonged to, and federal agencies like the IRS and others. Under the 1974 **Freedom of Information Act**, all people in the United States have the right to access a wide variety of information compiled by government agencies, and under the **Privacy Act** of 1974, you can obtain copies of files about yourself compiled by government agencies. The ACLU publishes a useful step-by-step guide to filing a request under the Freedom of Information Act which you can download from their web site at <http://www.aclu.org> or purchase through your local affiliate or chapter.

If your school is subpoenaed by a court order, it must try to notify your parents first before releasing your records. And in some states, only school superintendents are allowed to release this information. **The only time a school is allowed to release your records without getting your parents' permission is in emergency situations** where the information is necessary to protect your health and safety, or that of other students.

Sometimes a school will **release student information for directories**: your name, address, telephone number and academic major and other such personal information – but your parents can request that you be left off such lists.

WHAT IF AN ENTRY IN MY RECORDS IS WRONG?

While much of the information in student records is quantitative stuff,

your local ACLU is: