

Via email: grace.chien@dc.gov

July 2, 2013

Grace Chien
Director of Policy
Division of Specialized Education
Office of the State Superintendent of Education
810 First Street, NE, 9th Floor
Washington, DC 20002

Re: Comments on Proposed Confidentiality of Student Information Policy

Dear Ms. Chien:

Thank you for the opportunity to comment on the proposed Confidentiality of Student Information Policy. I am submitting these comments on behalf of Children's Law Center (CLC),ⁱ which represents more than 2,000 low-income children and families in the District of Columbia every year. Many of the children we work with are eligible for special education. Our comments are based on our experience representing these children and their families.

This policy provides important clarification to LEAs about their responsibilities to safeguard the privacy of student records, make student records available to parents and adult students, and correct records when necessary. We have several suggestions for improving the policy.

Fees for Copies of Student Records

The draft policy states that LEAs may charge a fee for copies of student records that are made for parents.ⁱⁱ This is inconsistent with DC regulations, which state that "the parent of a child with a disability shall be given the opportunity to inspect and review and **to copy at no cost to the parent** all of the child's records relating to the identification, evaluation, and educational placement, and the provision of Free Appropriate Public Education (FAPE)" (emphasis added).ⁱⁱⁱ

72% of DC schoolchildren are eligible for free or reduced lunch, which means that 72% of DC schoolchildren live at or below 185% of the poverty line.^{iv} For these

families, who are already struggling to pay rent and buy clothes and food for their children, paying for copies of school records may be impossible. Because the great majority of DC schoolchildren live in families that are struggling financially, it is more efficient to provide records for free to everyone than to make case-by-case determinations about whether requiring a parent to pay for copies effectively prevents the parent from exercising his or her right to inspect and review the records. Additionally, the DC regulations clearly state that all parents have the right to free copies of records related to their children's special education. Accordingly, pages 3 and 4 of the draft policy should be revised to state that LEAs may not charge parents a fee for copies of records.

Access to Records Without Parental Consent

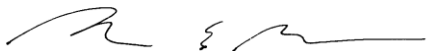
The policy should describe the circumstances in which schools may disclose records without consent from the parent. The policy states on page 2 that disclosure without parental consent is sometimes authorized, but it does not explain when this may be the case. We especially urge OSSE to incorporate in the policy the provisions of the recent federal Uninterrupted Scholars Act, which gives child welfare workers the right to access student records without parental consent.

Conclusion

Thank you for the opportunity to comment on this proposed policy.

If you have any questions, please do not hesitate to contact me at (202) 467-4900, ext. 565 or sgreer@childrenslawncenter.org.

Respectfully,



Sharra E. Greer
Policy Director

Cc: Amy Maisterra, Assistant Superintendent of Special Education
Virginia Crisman, General Counsel

ⁱ Children’s Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District’s laws, policies and programs. Learn more at www.childrenslawcenter.org.

ⁱⁱ Draft policy at 4.

ⁱⁱⁱ 5-E DCMR § 3021.1.

^{iv} <http://datacenter.kidscount.org/data/tables/4778-free-and-reduced-price-lunch-eligibility?loc=10&loct=3#detailed/3/any/false/1024,937,809,712,517/3534,894,897/11147>.