

Frequently Asked Questions - General Education Questions

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1. What are education records?

In general, education records are records about current and former students that are maintained by public, private, and parochial schools. Education records contain information about a student, such as: a student's name, address, and telephone number; a parent's or guardian's name and contact information; grades and test scores; health and immunization records; discipline reports; documentation of attendance; schools attended; courses taken; awards conferred and degrees earned; and special education records including individualized education programs (IEPs).

2. What can I use education records for?

Education records can be used for a number of different purposes. For example:

Education records can be used when students apply for college or enter into other types of education programs such as career training programs.

Students requesting consideration of Deferred Action for Childhood Arrivals (DACA) can submit their education records to show that they were enrolled in school or to help show the student's continuous presence in the United States, or, in other words, that the student lived in the United States for a continuous period of time.

3. Where are education records located?

Generally, education records are located at the school the student attends or attended. If a student transferred schools, the student's education records may transfer with the student, but some education records may remain at a school the student attended in the past. Education records may also be located at the local school district of a school that the student attends or attended. It may be possible that education records on a student are also located at a State office that oversees local school districts.

4. What if I am a migrant student and my records are located in multiple different schools?

If you are or were a migrant student, some of your records may be included in the Migrant Student Records Information Exchange (MSIX). Please see Section D, Questions 15-21 for information about student education records in MSIX.

5. Are there any legal requirements about how schools store and share education records?

Yes. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of education records. Although both private schools and public schools maintain records on students, FERPA generally only applies to protect the privacy of education records maintained by public elementary and secondary schools, school districts, and postsecondary institutions. FERPA generally does not apply to K-12 private and parochial schools unless these schools receive federal funds

If you are a student who is eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA), there are also provisions under that law that apply to your education records and generally these provisions are consistent with FERPA. State laws or local policies may also apply. If you would like more information about requirements under the IDEA, state laws, or local policies, you should contact your school district.

6. How long must the school keep my education records?

It depends. Schools are not generally required by federal law to keep education records for any set period of time. However, schools are prevented from destroying an education record if someone has already submitted a request to view the education record. State laws or local policies may also apply and require a school to keep education records for a specific period of time. IDEA

has specific requirements regarding destruction of education records of students with disabilities that your school district can tell you about.

7. Do I have a legal right to view my education records?

If you are under the age of 18, only your parent or guardian has the legal “right” under FERPA to inspect and review your education records. If you are age 18 or over or enrolled in a postsecondary institution (an “eligible student”), then you have a right to view your own education records. Under FERPA, a parent includes any natural parent, guardian, or individual (such as a foster parent) acting as parent in the absence of a parent or guardian. The right to view the education records only covers a right to view the information in the student’s education records that is about that student, and not information in the records that is about any other student.

8. If I cannot understand English, or my parent does not understand English, do my parent(s) and I have a right to get help from the school to understand the education records?

Yes. Federal civil rights laws require school districts to communicate effectively with students and parents who do not understand English. This means that the school must provide meaningful access to the information in the students’ education records. For example, if you or your parent requests to view your education records, and you or your parent cannot understand English, the school can provide meaningful assistance to you or your parent, by providing a qualified interpreter or written translation, to help you understand the information in the education records in a language you can understand.

9. Can anyone other than me or my parent view my education records?

Yes. Under FERPA, a school or school district may disclose information from your education records without your consent to specific entities, such as a State education office, or for specific purposes, such as to comply with a court order. You may also ask someone else to view your education records for you (see Question 10).

10. Can I ask someone else to view my education records for me?

Yes. Under FERPA, if your parent or you (if you are an “eligible student” (see Question 7) would like someone else to view your education records, then your parent or you (if you are an

eligible student) should provide written consent to the school or school district permitting that person to access the record(s). Written consent includes all of the following:

Signature of the eligible student or the parent of a non-eligible student consenting to allow another person to see the education record(s);

Date that the consent was signed;

Name of the person(s) who may see the education record(s);

Description of the education record(s) that may be disclosed (or the information from the education record(s) that may be disclosed); and

The reason for allowing the person or party to see the education record(s).

If you are a student covered by the IDEA, your parent or you (if you have reached the age of majority in your State (generally over 18) and parental rights have transferred to you), does not need to provide consent when asking someone else to view your education records. Instead, under the IDEA a representative of your parent or you (if parental rights have transferred to you) has a

right to inspect and review your education records, and the school cannot require written consent from your parent or you before granting this request.

11.If I give consent for someone else to view my education records, does the school have to provide that person access to my education records?

It depends. Under FERPA, the school may choose to provide that person access based on the consent you provided, but the school is not required to do so. Under the IDEA, however, if you are a student covered by the IDEA, the school must provide a representative of your parent (or you, if parental rights have transferred to you (see Question 10)) access to inspect and review your education records, even without requiring your parent's written consent (or your consent, if parental rights have transferred to you).

12.When I request access to my education records, is the school required to give me a copy of my education records?

Generally, no. Schools are required to allow parents and eligible students to inspect and review education records, but schools are not required to provide copies of education records unless the circumstances effectively prevent the parent or eligible student from being able to review the records without being sent a copy, and the school does not want to arrange another way for the parent or eligible student to view the records. For example, if the parent does not live in commuting distance from the school and could not get to the school site to view the records, the school is required to provide a copy or to make other arrangements for the parent to inspect and review the records.

If the school provides a copy of the education records, the school may charge a reasonable copying fee, unless charging the fee would prevent the parent or eligible student from being able to view the education records.

13.How long does it generally take to access my education records?

Under FERPA, the school is required to make education records ready for review by the parent or eligible student within 45 days of a request.

If you are a student who receives special education services under the IDEA, a school also must comply with a request to view your education records without unnecessary delay and before certain events required by the IDEA such as any meeting regarding an individualized education program (IEP) or any due process hearing or resolution session.

14.How can I change something if information in my education records is wrong?

A parent or an eligible student may request a correction or amendment to an education record that he or she believes is incorrect, misleading, or violates his or her right of privacy. Generally, a FERPA amendment process may not be used to challenge a grade, disciplinary decision, or other substantive decision made by a school official. The school is not required to make the change but must consider the requested change.

If the school decides not to make the requested change, then the school must inform the parent or eligible student of his or her right to a hearing on the matter. The parent or eligible student may have assistance or representation, at their own expense, at the hearing and must be provided with the opportunity to present evidence at the hearing. The hearing decision must be written and be based solely on evidence presented at the hearing. If the parent's or eligible student's request is denied, the parent or eligible student has the right to include a statement in the record stating why he or she believes that the information contained in the education record is incorrect, misleading, or violates his or her right of privacy, why he or she disagrees with the hearing decision, or both.

15. What is MSIX?

MSIX is a web-based platform that links States' student record systems to enable the national exchange of educational and health information for migratory children who have been documented as eligible for the Migrant Education Program (MEP) under ESEA. Using information that States collect and maintain in their own State student record systems, MSIX generates a Consolidated Student Record. The Consolidated Student Record compiles educational and health-related minimum data elements (MDEs) from multiple schools and migrant education programs in which a migratory child has enrolled, within and across States.

16. What information is included in an MSIX Consolidated Student Record?

Every student whose records are included in MSIX has a Consolidated Student Record. If a student has participated in the MEP in multiple schools and/or States, MSIX joins the information that has been provided for each school and produces an individual Consolidated Student Record that details the student's school history. The Consolidated Student Record shows the schools in which a migrant child was enrolled, the secondary classes the child has taken, the number of course credits the child received, and the results of any State or local assessments the child has taken. The Consolidated Student Record also provides information about the availability of the migrant child's immunization records, and shows whether the migrant child has a medical alert that should prompt the school to follow up further with the child's parent.

17. What is the Migrant Education Program (MEP) and how can I find out if I am or was eligible?

Generally, children are eligible for the MEP if the child moved on their own or with their parents or guardians within the past three years across State or school district boundaries in order to obtain temporary or seasonal work in agriculture or fishing. However, each State must confirm that the child meets the program's eligibility criteria, and you or your parent were likely interviewed by an MEP representative to determine whether you were eligible. If you believe you are, or may have been, eligible for the MEP, you should verify this with any school district where you attended school and where you think you were determined to be eligible for the MEP. If you were determined to be eligible for the program, you may have an education record in MSIX. See Question 21 for information on accessing your Consolidated Student Record from MSIX, or Section B for more general information on accessing your education records from the school or school district.

18. Does the MSIX Consolidated Student Record contain information from every school a migrant child has ever attended?

Not necessarily. The Consolidated Student Record only contains information from those times in a migrant child's schooling when he or she was enrolled in the MEP. The information contained in MSIX also depends upon the amount of information that States provide, and the frequency with which this information is uploaded to MSIX..

19. Should MSIX have information on a child if he or she was enrolled in the MEP, but not in a school?

Yes. If the child was enrolled in the MEP, but not in school, MSIX should contain data on the child such as demographic data (e.g., child's name, parent name(s)), dates and locations of MEP-qualifying moves, and the names/dates/locations of the MEP projects and/or school districts in which the child was enrolled.

20. Who can request a copy of a Consolidated Student Record from the Department of Education?

Any MEP-eligible or formerly MEP-eligible child may request a copy of his or her own record.

If the child is a minor (under the age of 18 in most States), the child's parent or guardian may request a copy of the child's record on the child's behalf. Such requests can also be made to School Districts and States and would be subject to the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g and 34 CFR Part 99.

21. How can a child or a parent/guardian request a copy of his or her Consolidated Student Record?

A copy of the MSIX Consolidated Student Record can be accessed in one of three ways. We present first the option that is easiest and fastest for children and parents/guardians.

Option 1

The best way to obtain a copy of the Consolidated Student Record is generally by contacting administration officials at the nearest school district. If school district personnel have access to MSIX, they will verify the child's identity (or, if applicable, the parent's/guardian's identity and the parent's/guardian's relationship to the child), by using reasonable methods consistent with the responsibilities outlined in the MSIX Rules of Behavior. Once they have verified this information, the school district staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the school district, they may contact the State-level MSIX User Administrator (see Option 2).

Option 2

Contact State-level MSIX User Administrators in any State that participates in the MEP. All States, with the exception of Connecticut, Rhode Island, and West Virginia, currently participate. Contact information for State-level MSIX User Administrators is available at <https://msix.ed.gov> or by calling the MSIX Help Desk: MSIXSupport@deloitte.com or 1-866-878-9525, 9:30AM - 6:30PM Eastern Time Monday through Friday, except Federal Holidays.

State MEP staff with access to MSIX will verify the child's identity (or, if applicable, the parent's/guardian's identity and the parent's/guardian's relationship to the child), by using reasonable methods consistent with the responsibilities outlined in the MSIX Rules of Behavior. Once they have verified this information, State MEP staff will locate the child's record in MSIX.

If children or parents/guardians are unable to obtain the record from the State, they may contact the U.S. Department of Education's Office of Migrant Education (OME) (see Option 3).

Option 3

Contact the U.S. Department of Education's Office of Migrant Education (OME) for specific instructions on how to access a copy of the MSIX Consolidated Student Record. OME can be contacted at: U.S. Department of Education Office of Migrant Education 400 Maryland Avenue, SW Washington, DC 20202. Phone: (202) 260-1164. Email: msix@ed.gov

22. Where can I find more information about my rights related to my education records under the federal law called FERPA?

More information about FERPA can be found on the U.S. Department of Education website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. Laws and regulations about FERPA can be found in 20 U.S.C. 1232g and 34 CFR Part 99. The U.S. Department of Education's Family Policy Compliance Office (FPCO) is available to provide assistance on FERPA, and can be contacted at:

Family Policy Compliance Office

U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-5920

Phone: 1-800-USA-LEARN (1-800-872-5327)

23. Where can I find more information about my rights related to my education records under the federal law called IDEA?

More information about IDEA can be found on the U.S. Department of Education website at <http://idea.ed.gov/>. Laws and regulations about the IDEA confidentiality provisions can be found in 20 U.S.C. 1417(c) and 34 CFR §§300.610-300.626.

24. Where can I find more information about my education records in MSIX?

Laws and regulations about eligibility for the MEP can be found in section 1309 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and 34 CFR §200.81. The U.S. Department of Education's Office of Migrant Education (OME) can also provide more information about MSIX and can be contacted at:

U.S. Department of Education Office of Migrant Education 400 Maryland Avenue, SW
Washington, DC 20202

Phone: (202) 260-1164

Email: msix@ed.gov

25. Where can I find more information about my rights related to my education records under the state law and local policy?

If you would like more information about requirements under the IDEA, state laws, or local policies, you should contact your school district.

*(Information provided courtesy of the State of Oregon - Department of Education - "Guide to Supporting Undocumented Students")