



# OLR RESEARCH REPORT

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## **NOTIFICATION TO PARENTS OF SCHOOL WITHDRAWAL AND TRANSFER TO A NEW SCHOOL**

By: Judith Lohman, Assistant Director

You asked whether state law requires a school district to notify both parents when one parent withdraws a child from school and enrolls him or her in school in a different district.

### **SUMMARY**

There is no specific requirement that a school district notify a parent in this situation. But a state statute regarding the transfer of students' educational records effectively provides notice of the new enrollment to the other parent, if that parent did not give written authorization for the records transfer.

Although educational records, including information about withdrawal from school, are generally confidential, both federal and state law gives parents access to most material in their child's educational record upon request, if the child is under age 18. Connecticut law also gives a parent with whom a child does not primarily live the right to receive the same school notices as the parent with whom the child does live. Finally, Connecticut law requires a school district that is transferring a student's records to a new school district where the child is enrolling to notify the child's parent that it is transferring the records if the parent did not authorize the transfer in writing.

Parents who are legally separated or divorced, have their marriage annulled, or end a non-marital relationship usually make a formal agreement concerning their minor child's legal and physical custody and their respective responsibilities for decisions about the child's upbringing, including educational decisions. For your additional information, we attach an OLR Report ([2011-R-0377](#)) that summarizes Connecticut's law on such custody agreements and what they must contain ([CGS § 46b-56a](#)).

## **RECORDS TRANSFERS TO NEW SCHOOL DISTRICTS**

When a child is enrolled in a new school district or state charter school, the law requires the new district or charter school to send a written notice of the fact to the child's previous school district or charter school within two business days of the child's enrollment. The student's old school district or charter school must send the child's educational records to the new district or charter school within 10 days after it receives the notice. If the student's parent or guardian has not provided written authorization for transferring the records, the school district or school must notify the parent or guardian at the same time it transfers the records (CGS, 2012 Supplement, § 10-220h).

## **PARENTAL ACCESS TO STUDENT RECORDS**

### ***Federal Law***

Federal law governs access to students' educational records. The Family Educational Rights and Privacy Act (FERPA) gives parents of students under age 18 the right to (1) see their child's school records, (2) correct them if necessary, and (3) control most access to the records by individuals. FERPA defines an educational record as one maintained by a school or school system or a party acting for it that contains information directly related to a student (20 U.S.C § 1232g).

FERPA requires schools to obtain written permission from a parent or guardian before disclosing educational records to a third party. But it allows schools to disclose information without parental consent:

1. in compliance with a lawful subpoena or court order (in which instances schools must make a reasonable effort to notify the parents, unless the subpoena or order is for law enforcement purposes and the issuing agency orders confidentiality);
2. in connection with an emergency in order to protect the health or safety of the student or others;

3. to officials of another school where the student is applying for enrollment; and
4. to federal, state, and other local education officials auditing or evaluating state or federally funded programs.

### ***State Law***

Connecticut law gives either parent or legal guardian of a child under age 18, the right to know of and have access to their child's cumulative record maintained by a local or regional board of education. The board must provide access at the parent's written request and within a reasonable time. The parent's right to knowledge and access applies to all educational, medical, or similar records. The only information that must be withheld is any communication made privately and in confidence by a student to an elementary or high school teacher, administrator, or nurse, that concerns the student's alcohol or drug abuse or any alcoholic or drug problem ([CGS § 10-15b](#)).

A parent or guardian who does not live with the child is also entitled to receive, and can request, all school notices that are provided to the parent or guardian with whom the child primarily lives ([CGS § 10-15b](#)).

JL:dy