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## NCOSEA Voice

### *Leave No Parent Behind*

If I had a nickel for every time over the 20+ years that I have been a state education attorney when a person on the other end of a call said, “I want to know my rights as a parent,” I would have a lot of nickels. I usually end up referring the parent to state statutes on school districts and parental involvement policies. According to National Parent-Teacher Association’s “State Laws on Family Engagement in Education Reference Guide,” 39 states have such statutes concerning “family engagement” in K-12.

The legal landscape in this area has evolved gradually. Oft-cited Supreme Court cases assert the “fundamental right” of parental control over their child’s education (*Wisconsin v. Yoder*, 406 U.S. 205 [1972]; *Pierce v. Soc. of Sisters*, 268 U.S. 510 [1925]; *Meyer v. Nebraska*, 262 U.S. 390 [1923]).

But nothing is absolute. As a corollary, public school educational requirements or actions that are not “aimed” at “interfering” with the parent-child relationship were found not to violate that fundamental right. Moreover, the state stood *parens patriae* to its resident children, and it could mandate school attendance, curriculum, and other academic matters even in the face of parental objections. The area is a case study in how legislatures and courts attempt to balance state authority and individual rights.

Over the last 50 years, the U.S. Congress has passed, and presidents have signed, a number of laws that wade into parental involvement and rights: the Family Educational Rights and Privacy Act (FERPA, 1974); the Protection of Pupil Rights Amendment (PPRA, 1974); the Individuals with Disabilities

Education Act (IDEA, 1975); No Child Left Behind (NCLB, 2001); and the Every Student Succeeds Act (ESSA, 2015).

Most people think FERPA mainly requires confidentiality of personally identifiable student information. It does that. But it also requires schools receiving any federal educational funding to give a student’s parent or guardian the opportunity to “inspect and review” their child’s education records. And if parents find something objectionable during that inspection and review, they have a right under FERPA to challenge the content of records and request that they be amended (and they can insist upon a hearing for review of their objections). This right does not apply to subjective or professional evaluative entries like grades, but it does apply to items alleged to be “inaccurate, misleading, or in violation of the student’s rights of privacy.”

Beginning with NCLB, authorizations of the Elementary and Secondary Education Act have included extensive provisions regarding parental involvement. As currently constituted, any school district receiving federal funding must have a written policy—developed jointly with and distributed to parents—that addresses matters of parental involvement, including involvement in the “activities of the school.”

States, districts, and schools may well feel a burden of responsibility for closing gaps in educational opportunity and achievement. But these federal laws recognize that the gaps will only be fully remedied when those closest to the affected students—parents and families—are full partners in educational decision making. ■