I

f 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 “inter-
fering” with the parent-child relationship
were found not to violate that funda-
mental right. Moreover, the state stood
parents 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 legisla-
tures 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 receiv-
ing 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 profes-
sional evaluative entries like grades, but it
does apply to items alleged to be “inac-
curate, misleading, or in violation of the
student’s rights of privacy.”

Beginning with NCLB, authoriza-
tions of the Elementary and Secondary
Education Act have included extensive
provisions regarding parental involve-
ment. 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 involve-
ment, including involvement in the
“activities of the school.”

States, districts, and schools may
well feel a burden of responsibility for
closing gaps in educational opportu-
nity 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.