

Observing Your Child's Classroom: What are your rights?

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By Michael R. Dorfman

As parents of children with disabilities we are in a constant state of worry. Our children are so vulnerable, yet sometimes up to 8 hours a day, they are at school, and out of our sight. We don't send e-mails to teachers, fight over accommodations, file for due process, or attend IEP meetings because we have nothing better to do. All of these tasks, and more, seem like a fulltime job that we have undertaken, solely for the purpose of making sure our children who might speak differently (if at all), act differently, and learn differently, have the best and most conducive educational environment in which they can thrive.

We are not Helicopter Parents

Parents of children with special needs are not helicopter parents or control freaks as I have heard educators say, but are sometimes the eyes and ears of their child who is dependent upon them for daily living. That is why we are at school often and seek to observe the classroom setting. We want to be assured our child is being taught, respected for his/her differences, not bullied, and that his/her specific needs are being met whether its extra time for tests or the regular changing of soiled undergarments.

In my law practice, many parents have called and stated that they were being informed by teachers and school administrators that observing their child in a classroom violates the privacy rights of the other students under [FERPA](#). When a school invents rules or reasons to prevent you from observing your child's classroom, red flags should go up immediately. I'm sure you've asked yourself, what does the teacher not want me to see. When a teacher or school administrator is operating a good program, and doing so transparently, he/she will welcome you into the classroom so you can observe your child's growth and successes.

What is FERPA?

First, FERPA (Family Educational Rights and Privacy Act) is a federal law that protects a parent's privacy interest in his or her child's "education records." Education records under FERPA are"

"[T]hose records, files, documents, and other materials, which (i) contain information directly related to a student; and (ii) are maintained by an education agency or institution or by a person acting for such agency or institution. 20 U.S.C §1232g(a)(4).

FERPA does not protect the confidentiality of information in general; rather it only applies to the disclosure by the school of actual records and information derived from those records. FERPA would prohibit discussing a child's medical information, or disability, with another child's parent if it is maintained in the school's education records. The fact that you may see other students in the classroom is not a legal reason to preclude you from observation.

Guidelines can be set

The school can set reasonable guidelines regarding observation such as duration and length of visit, but the rules are not reasonable if they preclude you, or a professional you've hired, from undertaking the desired task.

General Education vs. Special Education

If a teacher tells you that parents are not welcome in a special education classroom, but you learn that parents are able to come into a general education classroom, then rules are being promulgated and enforced in a discriminatory fashion, and there is recourse for this.

Most schools and special education teachers are great and dedicated to helping children with learning disabilities thrive. However, when there is a bad apple, you may stand up for your rights to observe your child in the classroom. Parents must be reasonable in when and how often they want to visit. It is not appropriate to observe every day or "set up shop" at the school.

When everyone is reasonable, understandings are easier to reach.

About The Author: Michael R. Dorfman is an attorney and partner at [Nykanen Dorfman](#), PLLC in Farmington Hills, Michigan. In his special education law practice, Michael represents students and their families when there is a conflict with the school district or when an appropriate education is not being provided.