

Statement of Introduction
Student and Minor Access to Records and Transcripts (SMART) Act of 2021
Councilmember Christina Henderson
April 30, 2021

Today, along with Councilmembers Brianne K. Nadeau, Janeese Lewis George, Charles Allen, Brooke Pinto, Mary M. Cheh, and Robert C. White, Jr., I am introducing the Student and Minor Access to Records and Transcripts (SMART) Act of 2021. This legislation will help youth plan for life after high school and ensure that they have ready access to documentation from District public schools needed to apply for jobs or post-secondary education programs.

Currently, District of Columbia Public Schools and Public Charter Schools require parental consent for students under age 18 to receive their transcript or for it to be sent to another school, college, or university. This can be challenging or an outright barrier for students that may be in foster care, homeless, or otherwise enduring strained relations with legal guardians who are unwilling to assist with the minor's career or education progress.

For youth in these circumstances demonstrating the perseverance and maturity to seek a part-time job or apply for college and scholarships, having access to their education records is crucial. Restricting access to education records can further exacerbate strained relationships youth may have at home and can threaten to undercut their ambition to apply for opportunities for advancement. If we can eliminate this minor obstacle to help youth succeed, this can change their trajectory for the better.

Under federal law, parents usually control access to a child's education records until they reach age 18, but students may also be granted such rights. The SMART Act would do just that, allowing minors that are sixteen years of age or older to request and receive their education records. This includes grades, class schedules, assessments, scores, transcripts, and academic standings. If available, a local education agency must provide records with a gender mark that matches the minor's gender identity. LEAs would have 15 days to comply and honor the request.

I look forward to working with my Council colleagues and other stakeholders to advance and pass this legislation which will help improve access to education records for youth in the District.

1 Brianne K. Nadeau

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4 Mary M. Cheh

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7 Charles Allen

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10 Robert C. White, Jr.

11 Councilmember Robert C. White, Jr.

12 Christina Henderson

13 Councilmember Christina Henderson

14 Janeese Lewis George

15 Councilmember Janeese Lewis George

16 Brooke Pinto

17 Councilmember Brooke Pinto

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21 A BILL

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25 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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30 To permit a minor who is sixteen years of age to consent to access their education records, and
31 for a local education agency to provide those records within 15 days.

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33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
34 act may be cited as the “Student and Minor Access to Records and Transcripts (SMART) Act of
35 2021”.

36 Sec. 2. Minor access to education records.

37 (a) Notwithstanding any other provision of law, a minor who is 16 years of age or older
38 may request without parental consent from a local education agency as defined by section 101(5)
39 of the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official

Code § 38-771.01) the minor's education records as defined by the Family Educational Rights and Privacy Act of 1974, approved August 21, 1974 (88 Stat. 571; 20 U.S.C. § 1232g).

(b) A local education agency shall:

(1) Provide the requested education records within 15 days of receipt of a request made pursuant to this section; and

(2) If available, provide the education records with the gender marker that matches the minor's gender identity.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.