

# Requesting Student Records

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- Revised Code of Washington RCW 42.56 Public Records Act
  - Code of Federal Regulations 34 CFR 300.613 Access rights
  - Washington Administrative Code WAC 392-172A-05190 Access rights
  - Family Educational Rights and Privacy Act (FERPA) 20 USC 1232g: 34 CFR Part 99
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## Did You Know?!

Parents and eligible students may request access to student records to any 'participating agency' under the **Code of Federal Regulations** and the **Washington Administrative Code**. A school district is a participating agency.

## Did You Know?!

A school district is a 'public' entity and parents may request records through the **Public Records Act**. The school district is to have on their web site the information on how to make a request through the Public Records Act.

## Did You Know?!

Prompt responses are required.

- Public Records Act RCW 42.56.520, within five (5) business days of receiving a public record request, a response must be provided.
- Individuals with Disabilities Education Act (IDEA) 34 CFR 300.613 and Washington Administrative Code WAC 392-172A-05190.
  - School districts must comply with the parent request promptly before any meeting regarding an Individualized Education Program (IEP) or hearing or resolution session relating to the "identification, evaluation, educational placement" of the student, "**including disciplinary proceedings**".

- The school district must respond, **“in no case, more than forty-five calendar days after the request has been made”** with the exceptions of the areas above.

### **Did You Know?!**

The Family Educational Rights and Privacy Act (FERPA) is a Federal Law that protects the privacy of student education records.

### **Did You Know?!**

If finding records that are inaccurate or misleading, a request may be made for changes or corrections to the records. If the school district decides not to amend the record, a request can be made for a formal hearing. After a hearing, if the school district still decides not to amend the record, the parent or eligible student has the right to place a statement with the record with their view regarding the contested information.

### **Did You Know?!**

School districts need written permission to release a student's records, with exceptions. Those exceptions are found under 34 CFR 99.31.

### **Did You Know?!**

When making a request to inspect and review educational records, the school district is to give the parent access to review **any** records the school district maintains. A few examples are:

- Communications, including email communications
- Notes written by school district employees during school meetings
- Notes or emails between school district staff
- Data collected and work samples
- Observation notes
- Attendance records
- Health Clerk logs
- Disciplinary records, including office referrals, and the outcome
- Special Education records

### **Did You Know?!**

A school district may charge the parent a fee to copy any records they might want. Keep in mind the parent is first requesting to "inspect and review" the records.

### **Did You Know?!**

Some school districts claim they cannot allow the parent to see test materials, saying they are copyright protected. This is not a violation of Federal copyright laws. See **Newport-Mesa v. California Dept. of Ed, May 24, 2005, U.S. District Court, Central District of California.**

# Memorandum

**To:**

**From:**

**Date:**

**Re:** (Student's First & Last Name), Requesting Student Records

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I would like to review any and all educational records held in any form and in any location by the (Name) School District for my student, (Student Name). This request is made pursuant to Revised Code of Washington RCW 42.56, Code of Federal Regulations (CFR) 34 CFR 300.613, Washington Administrative Code WAC 392-172A-05190 and the Family Educational Rights and Privacy Act (FERPA) 20 USC 1232g: 34 CFT Part 99.

In addition, per WAC 392-172A-05205 please provide me with a list of the types and locations of educational records, collected, maintained, or used by the (Name) School District.

I understand someone will be available to answer any questions I may have regarding my student's school records and that I can have copies of the information in these records, if requested. If the District prefers, I can provide a USB Flash Drive.

When doing a search for records, please consider and speak with staff regarding any alias the District might use when doing any records search. i.e. initials, etc.

Please include in my request, but not limited to, all communications, including email communication between school district staff, between school district staff and third-party providers and experts, and communication between school district staff and parents.

Thank you for your prompt response.