

Requesting Student Records

Parents in Washington State may ask for their special education student's records two different ways.

1. Revised Code of Washington RCW 42.56 Public Records Act
 2. Washington Administrative Code WAC 392-172A-05190 Access rights
Code of Federal Regulations (CFR) 34 CFR 300.613 Access rights
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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.

The Washington State Office of the Attorney General web site will provide you with information on obtaining public records, including your options if a request is denied. www.atg.wa.gov/obtaining-records.

Did You Know?!

Through the Individuals with Disabilities Education Act (IDEA), a parent has the right to **"inspect and review"** any educational records the school district maintains for their student.

- 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?!

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.**

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:

- Notes written by school district employees during school meetings
- Notes or emails between school district staff
- Emails
- Data collected and work samples
- Attendance records
- Health Clerk logs
- Disciplinary documents, including office referrals, and the outcome
- Special Education Cumulative files

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". A parent is reviewing the records.

Memorandum

To:

From:

Date:

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

CC: (First & Last Name), Special Education Advocate

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 Washington Administrative Code WAC 392-172A-05190 Access rights, Code of Federal Regulations (CFR) 34 CFR 300.405 Access rights and the Family Educational Rights and Privacy Act (FERPA).

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 the District prefers, I can provide a USB Flash Drive.

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.

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. and please include emails, internally and externally.

Washington Administrative Code WAC 392-172A-05190 allows the request "promptly and before any meeting regarding an individualized education program or hearing or resolution session relating to the identification, evaluation, educational placement of the student or provision of FAPE to student." If there is a particular record I need to see immediately, I will send a separate email.

Thank you for your prompt response.