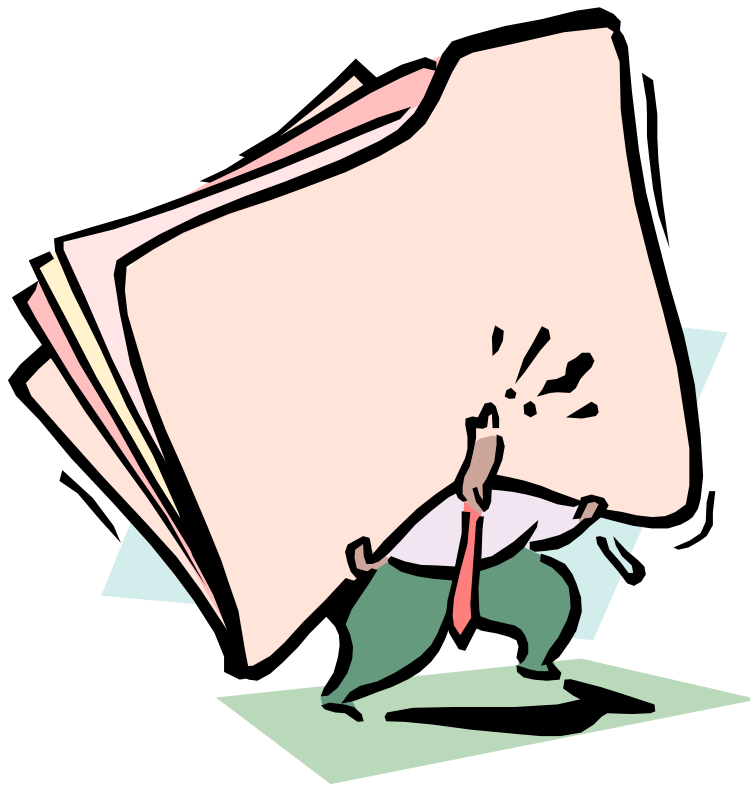


# Home Files & Records



**STOMP**

*Specialized Training Of Military Parents*

**STOMP-Working Together for Military Families of Individuals with DisAbilities!**

It is the policy of Washington PAVE and the STOMP Project that no person will be subjected to discrimination in this organization because of race, color, national origin, marital status, sex, age, religion, sexual orientation, HIV/AIDS status, disabled or Vietnam Era status, or the presence of any disability.

STOMP Project is funded through a grant from the U.S. Department of Education. Information contained in this packet does not necessarily reflect the views of the Department of Education.

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**STOMP -A Project of Washington PAVE**

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### **Acknowledgement**

Washington PAVE and Specialized Training of Military Parents (STOMP) gratefully acknowledges the assistance of the Children's Defense Fund in the preparation of this publication. CDF invites all parents to visit its web site on the Internet at [www.childrensdefense.org](http://www.childrensdefense.org) and to use its Parents Resource Network listing of helpful web sites for families in the state of Washington and across the nation. CDF is a child advocacy organization located at 25 E Street NW, Washington, DC 20001, (202) 628-8787. Please call or write for a brochure of products for sale.

### **Introduction**

Many parents are not aware that schools maintain elaborate records on their children. These files are cumulative; they grow from year to year and follow each child from school to school. They can include information on nearly every aspect of a child's life, both in and out of school.

Besides the usual grade and attendance reports, school records often contain: family background data, parents financial records, and social workers' reports on family problems; medical reports on health issues, disease, drug use, immunizations, and medical emergencies; psychological evaluations, standardized tests of achievements, aptitude, personal/social/mental development, and vocational interest; tracking data for placement of the child in advanced, special education, or vocational classes; police, teachers, and guidance counselors reports on schoolwork and behavior; "incident" reports on truancy, school offenses, and punishments; descriptions of extracurricular activities, awards, and interests; special education evaluations; and many other types of information.

Each school has its own record keeping system, and very few parents have actually seen **all** the various files maintained on their children. Even fewer parents realize how seriously their children's lives, before and after graduation, can be affected by what is in their school records, whether verified or not.

Until the passage of the Family Educational Rights and Privacy Act (FERPA) in 1974, many schools refused even to tell parents and students what records were collected, much less let them see their files. The same schools, however, often would release their records to police, employers, insurance companies and other outside groups. To curb such abuse, the federal law was passed. It helps protect the privacy of students and their families. This booklet describes how parents and students can exercise their rights under this law.

Parents also have rights to access under the Individuals with Disabilities Education Act (IDEA) public law (PL) 105-17.

Military families stationed overseas being served by the Department of Defense Dependant Schools (DoDDS) should refer to DSR 1101.1, which is based on FERPA. Families with children being served by the Domestic Dependant Elementary and Secondary Schools (DDESS), on certain installations stateside, need to be aware that DDESS regulations should be comparable to the regulations of the state in which the installation is located. These state regulations are based on PL105-17 and FERPA.

## Maintaining A Home File of Records

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Many parents of children with disabilities have discovered the importance of keeping information related to the child's medical, educational, and other special needs, so that little or no time is lost in accessing necessary services. A system for obtaining and keeping records becomes all the more important when the parents of a child with a disability change locations frequently or on short notice. This is the situation that families of an active duty member of the military often face.

Transfers are a part of every military member's career. For some families these transfers can occur as frequently as every 18 months. Families can be sent anywhere in the United States as well as to an assignment overseas. It is important to have your child's records readily available. It is recommended that you **hand carry** these records rather than shipping them with your household goods.

Educational services for your child with a disability may be delivered in a variety of ways, which can vary greatly from place to place, sometimes even from one school to another in the same school district (i.e. moving into military quarters from the civilian community). A child's needs do not change simply because the location has changed. Maintaining a home file helps with planning for your child's educational/medical program for your next duty station as soon as you receive notice of where your assignment (PCS) will be.

Your child's educational needs may be provided in local public schools, in Domestic Dependant Elementary and Secondary Schools (DDESS) located on some military installations stateside or in Department of Defense Dependent Schools overseas (DoDDS).

Medical and related services may be available in a variety of forms and locations. Agencies may be known by different names in some states, even though they provide the same type of services.

The one consistent fact is that the new location will require information about your child, the special needs of that child, and the types of services previously received by the child.

Maintaining a home file will help avoid delays created while release forms are processed and records are requested. It will also help make the transition to a new duty station move along smoothly.

This packet will give information on your rights to see and obtain copies of records and suggestions on how to develop and maintain a home file.

## Rights to Records

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Parents are often unaware of any rights they have to see or obtain copies of their children's records. Although the burden of proof should not be on the parents to show that they have these rights, it is helpful to know that there are federal and state laws, which guarantee this right. As well as any school policies on records.

There are two federal laws that apply to educational records of children with disabilities attending schools that receive federal funding from the United States Department of Education.

**P.L. 105-17, Individuals with Disabilities Education Act**, guarantees that parents have the right to access their child's educational records, to know what records are kept on their child, where the records are kept, and how to access them. Parents also have the right to expect that the confidentiality of their child's records will be protected.

**FERPA (Family Educational Rights and Privacy Act of 1974)** also known as the Buckley Amendment protects parents' rights to access information. It also provides protection for the privacy of your child's records. The only information that can be released without express written permission of the parent(s) is information that is part of public records such as yearbook or directory information.

Each state has laws and regulation, which apply to educational and medical records. The military also has regulations regarding medical records. Many parents are unaware that even though their medical records are "about them (or family members)," the records belong to the military hospital or civilian provider. Ask for a copy of the policy of the institution holding your medical records. Having a copy of the policy is vital in knowing where you stand when it comes to having copies of your medical records before you transfer to a new duty station (PCS or ETS). There are instances where medical records will only be forwarded from a medical facility to a new facility at the request of the new facility and a release signed by you.

Military parents will want information about how records are handled in Department of Defense Dependent Schools (DoDDS) overseas and in Domestic Dependent Elementary and Secondary Schools (DDESS) (Section VI Schools) on certain military installations in the United States. DODDS regulations DSR 1100.1 are based on FERPA and apply to Department of Defense Dependent Schools. DDESS Schools should be comparable to the schools in the states where they are located, and should be following state guidelines, which are based on P.L. 105-17 and FERPA. In some cases, the state guidelines exceed the protections provided by federal law.

## Seeing The Records

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### What Kinds of Student Records Are Parents Allowed To See?

The FERPA Amendment regulations issued April 1988 (amended 11/22/96) define records as "any information recorded in any way, including, but not limited to, handwriting, print, tape, film, microfilm, and microfiche (or more recently, computer files)."

Education records are (1) directly related to a student and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

The type or location of the record does not matter...discipline folders, psychological reports, health files and grade reports or other records found in a cumulative folder are all covered. Schools are required to provide you with a list of all records maintained on your child.

### Is A Video Tape Of My Child's Class A Record?

Yes. A record is any information recorded in any way. Including handwritten, tape recordings, micro film, computer files/disk, print and more. As long as the information concerns a student and is kept by an educational agency, it qualifies under this category.

### Are There Any Students Records That A School Can Refuse To Show Parents?

Yes. You do not have to be shown: <sup>1</sup>

- 1) A teacher's or counselor's personal notes (these are notes that a school official makes for his or her

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<sup>1</sup> NOTE: School officials cannot refuse to show you a record simply because it was sent to them by someone outside the school system.

own use and are not to be seen or shared with anyone else;

- 2) Records of school security police, if they are kept separate from the rest of the school's files, if the security agents do not have access to any other school files, and if they are used for law enforcement purposes only within the local area;
- 3) Personnel records of school employees;
- 4) Records on a student who is 18 years or older can only be released with the student's permission unless you have obtained legal guardianship;
- 5) If there is a report containing information on more than one student, the district will inform you of the information on your student.

### **Can Students See The Same Records As Parents?**

No. While FERPA permits you to see your own records if you are over 18, no matter how long ago you graduated or how recently you enrolled, there are some additional records that can be withheld:

- 1) Psychiatric or "treatment" records (but you can let a doctor of your own choice look at them for you);
- 2) Confidential letters of recommendation placed in your college file, prior to January 1, 1975, which have been used only for the purposes for which they were requested and;
- 3) Your parents' financial records.

If you have applied to a school but have not been accepted, under FERPA regulations you do not have a right, to see records collected about you during the application process.

### **Must The Records Be Shown To Me Right Away?**

No. Under FERPA, the school has 45 days to grant your request. However, under P.L. 105-17 it states that: "The agency shall comply with a request without unnecessary delay and **before** any meeting regarding an individual education program or hearing relating to the identification, evaluation, or placement of the child, and in **NO** case more than 45 days after the request has been made." Therefore, if you need to review records prior to a meeting, the school district must allow that to occur even if there are less than 45 days between the time of your request and the meeting.

### **Can The Records Be Destroyed After I Have Requested To See Them?**

Such action is a violation of FERPA. "Under P.L. 105-17 a School District shall inform you when personally identifiable information is no longer needed to provide educational services to your child. The information must be destroyed **at the request** of the parent.

### **May I Read The Records Myself?**

Yes. You have the right to examine the records yourself. If a school official only agrees to read to you from the records, he/she is violating the law.

### **What If I Don't Understand Something In The Record?**

You have the right to an explanation of anything you do not understand. There will probably be a counselor; dean or other school personnel in the room with you while you review your records. If this person cannot answer your questions, ask the individual to find someone who can.

### **May I Bring Someone With Me, Like My Child Or A Friend?**

Yes. While FERPA does not state specifically that you have this right, it does say that you may authorize others to see the records. You may be asked to sign a statement indicating that your friend has such permission.

**May I Obtain Copies Of School Records?****Can I Be Charged For School Records?**

Yes. FERPA says you may not “effectively be prevented” from inspecting the records. This means that schools must send you copies if you are unable to review them at school. For example, you live too far away or cannot leave your home or your job during school hours. In addition, you always have the right to obtain copies when records are being transferred to another school (such as a PCS move) or when information is released to any third party.

The school is allowed to charge you a reasonable fee for making copies, but you cannot be charged for the staff time it took to find and compile the records. Also, the fee cannot be charged if it would “effectively prevent” you from seeing the records.

Local school rules will govern requests for copies in all other situations. **Remember:** You have the right to see the records and take notes from them even if the school refuses to make copies for you.

## **Correcting The Records**

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**If I Think Information Is Misleading, False Or Denies The Right To Privacy, How Can I Get It Removed?**

First, ask the principal or dean to remove it and explain why. You could also ask the person showing you the records to have the information removed. If he or she agrees, then you do not have to go any further. The school has a “reasonable” period of time to agree or refuse. If the school official refuses, request a hearing. Put your request in writing and send it to the principal or the school official designated in your school’s regulations. You may request a copy of the school regulations regarding student records to be sent to you in writing at any time. Be sure to keep a copy of your request.

You cannot merely state that the entire record is false. You must provide the school with specific sections that have inaccurate information. If the district decides not to amend the record as requested, they must inform the parent of their refusal and provide them with information on the right to a hearing regarding the disputed record.

**What Is A Hearing?**

In this case, a “hearing” is a meeting between you and school officials presided over by an impartial individual (or committee) known as a hearing officer. Each side has the opportunity to present evidence about the school records in dispute. The hearing officer will decide who is right. Each school district must establish its own procedures for conducting hearings. These rules will determine who is permitted to act as a hearing officer and how long it will be until you receive your decision. The procedures must comply with regulations issued by the U.S. Department of Education.

**Remember:** Any person with a direct interest in the outcome of the dispute cannot be a hearing officer.

**Must A Hearing Be Held As Soon As I Request One?**

No. This is determined by your school's procedure. The federal regulations only require that a hearing be scheduled within a "reasonable" period of time and that you receive written notice of its time and place “reasonably” in advance. If you think school officials are delaying action without good cause, you may want to complain to a school official. Knowing your schools policy and procedures surrounding records is very important as well as knowing the “chain of command” when contacting school officials. You may also contact the Children's Defense Fund.

**May I Bring Anyone To The Hearing?**

Yes. You have the right to a fair opportunity to present your arguments. This means that you may bring someone (at your own expense) who can support your position with evidence, or who can help you present your evidence, such as a lawyer or a lay advocate.

**What If The School District Decides That The Material Should Stay In The File?**

You may insert a written statement of your objections to the material into the record, indicating why you think it is false, misleading or inappropriate. This statement must remain with the record as long as the district maintains the information and must be included if the information is sent to anyone else.

**What If The Information Contained In the Records Is Beyond The School's Proper Scope Of Authority?**

If you believe the information is "inappropriate", you can request its removal. This includes information you believe is beyond the school's authority to collect.

**What If I Think My Child Has Been Given The Wrong Grade?**

It is not within your rights under FERPA to request grade changes. However, if you are able to convince school officials to make a grade change, it is within your FERPA rights to request that the old grade be deleted from your child's records.

## **Controlling Access To The Records**

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**Who Can See My Child's Or My Own Records Without My Consent?**

- 1) School officials in the same district with a "legitimate educational interest".
- 2) School officials in the school district to which your child intends to transfer (but you must be given the opportunity to request a copy of the records and to challenge their contents in this case). You must give written consent prior to the school district you will be transferring to.
- 3) Any number of state and/or national education agencies or their authorized representatives, when they are enforcing federal laws.
- 4) Anyone to whom the school must report information as required by state statutes.<sup>2</sup>
- 5) Accreditation and research organizations helping the school.
- 6) Student financial aid officials.
- 7) Those with court orders.
- 8) In emergency situations, those who need information to protect the health or safety of the student or other individuals.

**May Police, Probation Officers Or Employees See Student Records Without My Consent?**

P.L. 105-17 (615 (K)(9)(B)) states: "An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime."

Parental consent is not required in certain cases.

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<sup>2</sup> The state statute must have been in effect prior to November 19, 1974.

**When Is Prior Consent Not Required?**

- 1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
- 2) The disclosure is to officials of another school system or institution or postsecondary education where the student seeks or intends to enroll.
- 3) To the Comptroller General of the U.S. The U.S. Secretary of Education or state & local educational authorities in connection with an audit or evaluation of federal or state programs or for enforcement of or compliance with Federal aid requirements.
- 4) In connection with financial aid for which the student has applied or has received.
- 5) To state or local authorities if any student was adopted prior to Nov 19, 1994 so requires.
- 6) To organizations conducting studies for or on behalf of educational agencies or institutions.
- 7) To accrediting organizations to carry out they're accrediting functions.
- 8) To parents of a dependent student under section 153 of the IRS Code of 1954.
- 9) To comply with a judicial order or lawfully issued subpoena (agency must make reasonable effort to notify parent prior to compliance).
- 10) In connection with a health or safety emergency.
- 11) The information is "directory information".
- 12) To the parent of a student under 18 or to the student.
- 13) To the police or other judicial parties in the case of certain discipline records (including the IEP)

The Agency is neither forbidden nor required to disclose personally identifiable information to any of the parties in numbers 1-11 above.

**May I Be Asked To Sign A Blank Consent Form So That I Do Not Have To Be Contacted Each Time A Consent Is Needed To Release Information?**

No. The school can ask you to sign a blanket consent form but cannot require you to do so. When you sign a consent form you can give specific timelines and name specific individuals who the school may request information and any limits on what information the school may request from those individuals. The school must contact you each time someone requests to see your records.

**What Must I Be Told When Asked For My Consent To Release Of Records?**

You must be told:

- (1) Which records were requested;
- (2) Why the request was made;
- (3) Who will receive the records.

Upon request, a copy of the records that have been disclosed must be furnished to the parent(s) or student.

**Do I Have To Write A Separate Consent For Each Person Who Is Getting The Records?**

No. You may sign a single consent form for a group or a group of records. For example, a secondary student who is applying to several colleges may sign one consent form permitting the school to release transcripts of his/her grades to those colleges.

**Can I Find Out Who Has Asked For And Received Information On My Records During The Year?**

Yes. The school is required to keep (with your child's records) a list of everyone that requests and receives information about your child. However, a record need not be kept if the disclosure is "to other school officials, including teachers within the agency or institution whom the agency or institution has determined to have legitimate educational interests".

**Does FERPA Allow Schools To Release "Student Directory Information"?**

Yes. FERPA defines student directory information to include a "student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic teams, dates of attendance, degrees and awards received, and the most previously school attended by the student."

This information usually is given to newspapers when they print stories about school athletics or honor students, is in school publications, or is given to parent/teacher committees. Each year the school must give notice of what "directory information" it will make available to the public.

**Can I Object To Directory Information?**

Yes. You have the right to object to the release of or all of the information about your child that a school classifies as a directory. The school has to inform you of this right and tell you how long you have to file an objection. Your objection must be in writing and clearly tell the school what information about your child you do not wish to have classified as directory information.

**Can A School Official, Such As A School Board Member, Use These Records At A Meeting Without My Consent?**

Yes and no. If the school board meeting is closed to the public, this information can be disclosed to the school board members and discussed without your consent, if (1) the school has a written policy of disclosing student records to school officials, (2) the school board members qualify as "school officials" under criteria established by the school and (3) they have a "legitimate educational interest" in the information, as defined in the school's policies. Ask for a copy of your school's policies to be provided to you in writing.

## **Enforcing Your Rights**

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**What Can I Do If I Am Denied The Right To Or Correct My Child's Records, Or Release Information Without My Consent?**

Immediately send a written complaint to:

Family Educational Rights and Privacy Act (FERPA) Office  
US Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202  
(202) 260-3887

They are responsible for enforcing FERPA (Buckley Amendments). There is no specific deadline for filing a complaint. However, it must be "timely", i.e. soon after the incident. The FERPA Office must investigate every timely complaint that is filed with it. Be sure to keep a copy of your letter of complaint.

In addition to investigating complaints, the FERPA Office also responds to informal inquires from the public regarding FERPA (Buckley Amendments)

### **What Will Happen When I File A Complaint With The Department Of Education (D.O.E)?**

The agency will send you a written notice of receipt. It will then investigate your complaint. This will include notifying the school and asking them to respond. You may also be contacted for further information. After investigating, the Department will send its written decision and explain any findings to both you and the school. If the Department decides that the school is in violation, it will order the school to correct the violation within a certain period of time. If the school refuses, the Department can take action to stop all federal educational funds to the school.

### **What Should I Say In My Complaint Letter?**

Explain what violation has occurred. Do not just say that your rights have been violated. Use dates and names and be as specific as you can. For example "I was shown a file on September 1, 2002, but Mr. Smith, the school guidance counselor refused to let me see the discipline records. When I asked the principal, Ms. Jones, she also refused." Ask for an explanation from the school in writing and include it with your complaint.

If you are a parent or guardian, give your child's name and the name and address of the school. If you are a student, state whether you are attending or have graduated or are no longer enrolled.

### **Can I Go To Court To Enforce My Rights? <sup>3</sup>**

FERPA does not specifically answer this question. Judges have held, however, that when Congress places conditions on federal funds, citizens affected by the legislation can go to court to enforce these conditions. FERPA requirements apply to schools that receive education funds. Therefore, if you are unable to settle disputes any other way; you should be able to use the court system to enforce your rights. In some cases, courts have already begun to rule in support of such actions.

**Note: Your own state's law concerning privacy may give even greater remedies than those offered by FERPA (Buckley Amendments). You may also have remedies under other state laws for particular harm suffered because of the violation of your rights under FERPA (Buckley Amendments). Check your state laws to be sure you are aware of all your rights.**

### **Can I Be Required To Waive My Rights Under FERPA In Order To Receive Certain Benefits Or Services From My School?**

No. Because schools are prohibited from "effectively" preventing parents and students from exercising their rights under FERPA (Buckley Amendments), they can ask but cannot require you to waive your rights before receiving school services. If a school insists that you sign a waiver, you should file a complaint with the US Department of Education. Students applying to post-secondary school can choose to waive their right to see confidential letters of recommendation, however, they must be told the names of those writing recommendations and be assured that the statements will not be used for any other purposes.

In addition to investigating individual complaints, the US Department of Education has also published regulations to provide additional guidance. These regulations were issued on April 11, 1988 (as amended, November 22, 1996) and can be obtained by writing to the Department of Education or calling (202) 401-2000; this is the Department of Education's Information and Resource Center.

If you are seeking legal assistance or have any questions about your rights under FERPA, contact Children's Defense Fund (CDF) 25 E ST NW Washington DC 20001; (202) 628-8787. You can contact your local Legal Aid office. They are listed in the community service pages of your local phone book. Additionally, each state has a Protection and Advocacy (P&A) system that can assist in finding local resources. Contact NICHCY to receive a list of these and other agencies in your state. 1(800) 695-0285 v/tty, (202) 884-8200v/tty, nichy@nod.org or www.nod.org.

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<sup>3</sup> NOTE: The spouse of military sponsor should be the primary plaintiff so that repercussions throughout the military system do not effect the family.

## Items To Note

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### Inspection of Student Records

- Date request made to see records.
- Date response received from school.
- Date of appointment with school official.
- Types of records reviewed.
- Records, which were not, disclosed (disciplinary reports, psychiatric reports, etc).
- Misleading or inaccurate statements discovered.
- Whether explanations were provided upon request.
- Names of all school officials who handled your request.

### Correction of Student Records

- Date request was made to correct or delete information in records
- Date request was granted or denied. (If denied, date hearing was requested, date hearing was scheduled, name(s), and title(s) of hearing officer(s), date decision was issued)
- Outcome of hearing (records deleted or corrected, statement submitted by parent or student)

## How To Review Records

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Parents are equal partners with teachers and school administrators in planning educational programs for their child. Developing partnerships means sharing our unique knowledge of our child as well as being fully informed of other information that has been collected and may be used in the planning process.

Parents should review their child's records at least annually or more frequently if there are areas of special concern. The first step is to send a written request for an appointment to review all of their child's records wherever they may be maintained and in any form. A sample request letter is included in this information packet. (All requests for record review should be done in writing.)

Parents should be allowed to review their child's records within 45 days and before any IEP meeting or placement decision is made.

When you review records or obtain copies of records, it is a good idea to put a small mark in the corner of each paper in the file, so that new material can be easily and quickly identified on return visits.

Make sure that the information contained in the files is complete and correct. You may have independent evaluations, medical, or other information that you would like to have made a part of the records.

Check to be sure that all the information included in the file is about your child. Sometimes information on other children may be placed in your child's file by mistake. Verify that the age of the child, test dates, test scores, as well as names and titles of persons supplying information are accurate. If information is false or misleading, you will need to request that it be amended or deleted. Always be sure to ask, "Are there any other records on my child kept in a separate location or in any other form?"

If you do not understand any information be sure to ask for an explanation.

## **Records Review Process**

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When a record review session is completed parents should:

- 1) Know whether they have all of their child's relevant educational records, and if not, how to go about obtaining them.
- 2) Know whether these records are complete and up to date or whether additional evaluations and documentation should be obtained.
- 3) Understand whether these records accurately reflect their child's strengths, weaknesses and needs.
- 4) Know if the goals and objectives outlined in the child's present IEP are appropriate and address the need identified in evaluations.
- 5) Know how to go about making changes in the IEP if necessary.
- 6) Understand the methods available that could be used to resolve differences with school systems during the IEP process.

Parents who come away from a records review session with these six elements have gained long term skills. This process agrees with STOMP's philosophy of parents being the expert on their child.

## Records Review Procedure

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**Reviewer:** \_\_\_\_\_

**Child:** \_\_\_\_\_ **Parent:** \_\_\_\_\_

**Disability:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Child's Age:** \_\_\_\_\_

- \_\_\_\_\_ Do I have a complete set of records?
- \_\_\_\_\_ Psychological evaluation
- \_\_\_\_\_ PT, OT, speech/language evaluations
- \_\_\_\_\_ Academic achievement reports
- \_\_\_\_\_ Relevant medical records
- \_\_\_\_\_ Behavioral evaluation
- \_\_\_\_\_ Vocational evaluation (interest, skills, aptitude)
- \_\_\_\_\_ Assistive Technology evaluation

- \_\_\_\_\_ Is identifying data (names, ages, etc) correct and up to date?
- \_\_\_\_\_ Are evaluations current? (No more than 3 years old?)
- \_\_\_\_\_ Do the evaluations reflect strengths as well as weaknesses?
- \_\_\_\_\_ Do the evaluations provide information for programming or do they simply give numerical scores?
- \_\_\_\_\_ Do the present levels of performance on the IEP address my child's educational strengths and needs in a complete manner?
- \_\_\_\_\_ Does the IEP have a goal for each area of identified need (regardless of whether services are available?)
- \_\_\_\_\_ Does the IEP specify transportation needs? (special buses, lift, aid on the bus, length of time on the bus, etc.)
- \_\_\_\_\_ Does the IEP list the amount of time to be spent with students who are non-disabled? (homeroom, lunchroom, regular or adapted PE, etc.
- \_\_\_\_\_ Does the IEP have a statement that addresses whether the child will participate in a particular state or district wide assessment of student achievement? If not why? Are accommodations needed for his/her participation?
- \_\_\_\_\_ Does the IEP specify who will provide each service listed?
- \_\_\_\_\_ Does the IEP address extended school year needs?
- \_\_\_\_\_ Did the people listed on the IEP as attending, actually attend the IEP meeting?
- \_\_\_\_\_ Do I have a copy of the IEP meeting minutes?
- \_\_\_\_\_ Are short-term goals/benchmarks spelled out sufficiently to support the long-term objective?
- \_\_\_\_\_ Is the method of evaluation for the goals specified in measurable terms that are clear to the parent so that progress can be seen at the end of the year?

- \_\_\_\_\_ Have I observed the classroom to determine whether the goals and objectives are being carried out?
- \_\_\_\_\_ Is my child in the least restrictive environment?
- \_\_\_\_\_ Is the age range in my child's classroom a maximum of three years?
- \_\_\_\_\_ Is my child in a school that is age appropriate (ex. elementary school for child ages 5-10)?
- \_\_\_\_\_ Is my child in a setting other than public school? Why?
- \_\_\_\_\_ If the IEP states that my child's program will be monitored by an outside agency, does it specify what events or situations would change this monitoring status?
- \_\_\_\_\_ Does the IEP specify positive behavioral goals, as well as how, when and why they are to be used with my child?
- \_\_\_\_\_ Does the IEP address vocational education needs for my child who is 14 or older?
- \_\_\_\_\_ Has my child been referred to rehabilitation services if 16 or older?
- \_\_\_\_\_ Does my child have a transition plan if 14 years old?
- \_\_\_\_\_ Does the IEP clarify whether my child will be working toward graduation or a formal diploma?
- \_\_\_\_\_ Does the IEP specify whether my child will take the Basic Skills Test? If not why? Are accommodations needed for him/her to be tested?
- \_\_\_\_\_ Does the IEP state how the regular classroom will be adapted? (texts, note taking, etc.)
- \_\_\_\_\_ Is my child's school facility accessible?
- \_\_\_\_\_ Do I have concerns that are not reflected on the IEP?
- \_\_\_\_\_ Does the child or parents need materials in a language other than English?
- \_\_\_\_\_ Have I made written requests to correct situations with which they are not satisfied (letters, formal complaints, etc.)?

## How To Obtain Records

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In order to set up a home file, you will need to obtain copies of all your child's school records and relevant medical records.

Parents may receive copies of records transferred to another school or sent to any third party (FERPA). If receiving copies of the records is the only practical way for you to obtain access, the school is required to make copies for you.

Parents should review the child's records before any PCS/ETS move as school districts are only obligated to forward records that they generate. School records that had been forwarded by a previous school might not follow your child. The school cannot refuse to give you a copy of a document just because another person or agency sent it to them. A letter to the special education director or superintendent requesting copies of all materials in your child's school records should be sufficient.

Military parents will have to provide a privacy act statement in order to obtain health care records. The social security number of the member or sponsor is required.

The spouse of the member of the military would also be wise to have a current power of attorney from the military member.

You may want to authorize relevant medical information sent to the schools to be made part of your child's record. This information would then be covered by FERPA and may assist you with obtaining copies for your home file.

Military families sometimes face an unusual situation when the military member is in a sensitive or high security position. Such a person may find those medical records on the military member or even family members are considered classified information. This can lead to lengthy delays unless the situation is handled well in advance of a transfer.

(see sample request letters at p. 20 & p. 21)

## Contents Of A Home File

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This section provides suggestions of the type of materials you may want to obtain and keep for your home file. These suggestions should not be viewed as being all-inclusive.

Your child's special needs and specific circumstances will dictate what you will want to keep in your home file. Your home file should be organized into sections with similar type of information filed together. (See section on **Format For Keeping Records Home File** for additional suggestions on organization.) This will assure quick access to information as needed.

School districts usually require a birth certificate and proof of current immunizations before a child can be enrolled in school. These items should be first.

You will need information about current health and dental care needs. Medical information that relates to your child's education needs should also be included.

Include **all** school records; i.e. Academic achievements, reports (tests, report cards, and transcripts), psychological evaluations, related services evaluations such as physical therapy, occupational therapy, or speech and language evaluations, current and all previous individualized education plans (IEPs), behavioral/social evaluations and any vocational assessments that have been done (including interests, skills, and aptitude testing) for an older child.

Keep samples of your child's work and/or any accomplishments. They should be assembled to show progress (earliest samples to current samples).

Maintain a communication log. This should include information describing any conversation (telephone or in person) with teachers, therapists, school administrators, related services, or medical personnel regarding your child. Be sure to date it, and include the name as well as the title of the person you spoke with.

Keep a copy of all correspondence to and from the school system as well as other agencies involved with your child.

## **Format For Keeping Records Home File**

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Once you have obtained copies of your child's records organize them in a manner so that information can be easily retrieved.

There is not one "best way" to store information; the important thing is that it works for you.

Some parents are most comfortable with a notebook format, using side-punched holes in a loose-leaf binder. Other parents prefer manila folders, stored in boxes or file drawers.

One parent discovered that the school system used primarily top punched documents, which could be sorted in paper binders easily obtained at any office supply store. The particular advantage of this system was that many papers she received from school were already designed to fit this format, and other documents and correspondence usually have more margins at the top than on the side.

Whichever format you use, materials are more useful if they are sorted into sections dealing with specific information. Such as Section 1 being IEP's, Section 2 being testing and assessments, Section 3 being correspondence, Section 4 might include report cards, progress reports, and possibly work samples that show progress. A photo of your child each year also provides a pictorial record of your child's growth.

Sections should be indexed and numbered. It is helpful to keep the information in chronological order with the newer information on top. If the material is numbered from back to front, so that the oldest information is number 1, and the newest information has the highest number, it is easier to add materials, as they become available.

The index should be a listing of the numbered material in each section with a brief description of the information. For example, in the assessments section, number 12 might be listed as Jones County Schools Speech and Language Evaluation, 1997. This should make it easy to retrieve the exact information needed.

Be sure to keep your home file current. It can be extremely valuable to you in accessing services more quickly when you transfer, or if you should ever need to use it for a hearing.

**Telephone and Conversation Log**

RE: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONCERN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WHAT THEY SAID: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WHAT I SAID: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RESULTS:

WHAT WILL HAPPEN: \_\_\_\_\_

\_\_\_\_\_

WHEN WILL IT HAPPEN: \_\_\_\_\_

\_\_\_\_\_

WHO IS RESPONSIBLE FOR IT HAPPENING: \_\_\_\_\_

\_\_\_\_\_

NOTES ON REVERSE: \_\_\_\_\_

**SAMPLE RECORDS REVIEW REQUEST**

Street Address  
City, State, Zip

Date

Special Education Director or Program Coordinator  
School District  
Street Address  
City, State, Zip

Dear (Name):

I would like to review any and all educational records held in any and all forms by     Name     School District for my son/daughter,     Name    ,     Child's Birth Date    . This request is made pursuant to (State Regulation #), PL 105-17, Section 615 (b).

I understand that someone will be available to answer any questions I may have regarding my son's/daughter's school records.

I look forward to meeting with you in the near future. If you have any questions, please call me at     (telephone number).

Sincerely,

(Signature)

Typed Name

Be sure a written request is sent certified or hand carried and a receipt received.

(Remember to keep a copy for your file and indicate to whom you are sending copies by "cc" at bottom of letter).

**SAMPLE REQUEST TO  
CORRECT OR REMOVE INFORMATION CONTAINED IN RECORDS**

Street Address  
City, State, Zip  
Date

Special Education Director or Program Coordinator  
School District  
Street Address  
City, State, Zip

Dear (Name):

Upon review of my son/daughter, (Name), (Birthdate) records, I find a need to request that (Name) School District remove or correct the information dealing with (give specific area) found in (give document, date and person responsible for document; i.e., psychological evaluation dated 6-7-97 by dr. Paul Doe). I am making this request pursuant to P.L. 105-17, Section 515 (b).

I will expect to hear from you, in writing, within five (5) working days regarding this matter.

Thank you.

Sincerely,

Signature

Typed name

Send certified mail or hand carry and get a receipt.

(remember to keep a copy for your file and indicate to whom you are sending copies by "cc" at the bottom of the letter)

## Home File Checklist

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- \_\_\_\_ 1. Birth certificate
- \_\_\_\_ 2. Immunization records
- \_\_\_\_ 3. Social Security Number
- \_\_\_\_ 4. Relevant Medical Records
- \_\_\_\_ 5. Pictures (school or snap shots)
- \_\_\_\_ 6. School Records
  - \_\_\_\_ (a) Academic Achievement Reports  
(tests, report cards, transcripts)
  - \_\_\_\_ (b) Psychological Evaluations
  - \_\_\_\_ (c) PT, OT, Speech/Language Evaluations
  - \_\_\_\_ (d) Current and past IEP's
  - \_\_\_\_ (e) Behavioral/Social Evaluations
  - \_\_\_\_ (f) Vocational Evaluations  
(interest, skills, aptitudes)
  - \_\_\_\_ (g) Discipline records (including behavioral assessments)
- \_\_\_\_ 7. Samples of child's work and other accomplishments
- \_\_\_\_ 8. Communication Logs
- \_\_\_\_ 9. Correspondence
- \_\_\_\_ 10. Non-academic activities the child is involved in (scouting, therapeutic recreation, Sunday school programs etc.)
- \_\_\_\_ 11. Videos of your child in school settings and at home
- \_\_\_\_ 12. Anything you feel is appropriate or provides an accurate description of your child