



from Equip for Equality's Legal Advocacy Program

EFE FACT SHEET – Special Education

Communications, Records and Records Access

Introduction

Communicating effectively with the school district is essential to good advocacy skills. You should always confirm important verbal requests to the school district in written form, and you should also not miss the opportunity to write letters to the school to confirm an oral communication from a school employee if it is significant and not likely to be provided in writing. As a parent, you have access to your child's permanent and temporary records, and you should examine those records periodically to keep yourself current about the contents of the special education file.

1. Correspondence and Contact

Correspondence from the School

The school must inform you every time they plan to take action regarding your child. If you receive a letter from the school and do not understand it, call the school or district for clarification. If you do not read and reply to (when necessary) correspondence from your school, your child may be inappropriately disciplined or may receive services without your consent or knowledge.

Correspondence to the School

Always put in writing any important request to the school: for an evaluation, for an IEP conference, cover letter with medical records you are providing to the school, for a mediation, a complaint or a due process hearing. Sign, date and keep accurate copies of your letters. Whenever possible send your correspondence by certified mail, return receipt requested to assure delivery of the letter, OR hand carry the letter and request a receipt. Keep printed copies of important e-mail messages to or from the school.

Personal Contact

To improve and to assure your child's success in school, get to know the school staff involved in your child's education and make regular efforts to keep in contact with the school, preferably with personal visits, not necessarily waiting for school conferences. Make sure to attend your child's school teacher's conference. Strive for a good relationship with the teacher(s) and administrators. Make sure the school has your current telephone numbers and notify the school of any change in address, medical changes or other important developments.

2. Records

Records access under IDEA

The IDEA, and the Family Educational Rights and Privacy Act ("FERPA") guarantees parents the right to inspect and review education records concerning their children. FERPA records access rights apply to *all* parents and students, regardless of whether the student is eligible for services under the IDEA, or even has a disability. Under both IDEA and FERPA, a school must honor a request to review education records without unnecessary delay, and a district may not take more than 45 days to comply.

Records access under Illinois State law:

The Illinois School Code requires Illinois school districts to provide parents the opportunity to inspect and/or to copy their minor child's records within a reasonable time, and in any case no later than 15 school days after the receipt of the request by the school records custodian.

Retaining Records:

To protect your student and family, make sure to keep all records of everything related to you're his/her education and evaluations. It is recommended you keep the following:

- Letters or other mailed documents you send to or receive from the school
- All of the student's evaluations or assessments;
- All Individual Educational Plans
- All of the student's medical reports obtained by the school;
- All of the student's records and progress reports;
- The student's developmental history
- All IEP and other meeting notes; notes from conversations; and
- A diary of all school conversations or meetings, meeting content, names and titles of individuals spoken to, and the dates/times of the conversations.

Medical and Mental Health Records:

Schools often have a legitimate need for medical and mental health records, but only those medical and mental health records which are *educationally relevant*. Do not sign a consent form issued by the school unless you are satisfied that the release is specific about the information the school is requesting from the physician or medical provider. Contact the medical provider's records custodian prior to signing the release to discuss what records are contained in our child's file prior to authorizing release to the educational institution.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):
800.537.2532 (voice) or 800.610.2779 (TTY)
Contactus@equipforequality.org
www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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