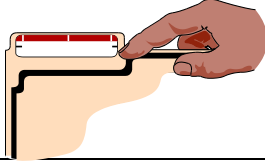




**Hillsborough County**  
PUBLIC SCHOOLS

*Excellence in Education*

**DEPARTMENT OF EXCEPTIONAL STUDENT EDUCATION**



# RECORDS

**Fast Facts #10 (11/13)**

The parents of a child with a disability (or the age-of-majority student) must be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation and educational placement of their child and the provision of a free appropriate public education (FAPE) to their child.

<p>Access rights</p>	<p>The school district must permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district. The district must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing and in no case more than 30 calendar days after the request has been made.</p> <p>Parents have a right to a response from the district to reasonable requests for explanations and interpretations of their child's records.</p> <p>Parents have the right to request that the district provide copies of student records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.</p> <p>Parents have the right to have a representative of the parent inspect and review the records. The district may presume that the parent has authority to inspect and review records relating to his or her child unless the district has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.</p>
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<p>Consent</p>	<p>Individuals within the school district who have a legitimate educational interest in the student may access educational records without parental consent.</p> <p>Parental consent must be obtained before personally identifiable information is disclosed to parties outside of the school district, unless that disclosure is authorized without parental consent which may occur in some circumstances. The district adheres to the provisions of FERPA (Family Educational Rights and Privacy Act) in regard to release and disclosure requirements of student records.</p> <p>If a child is enrolled, or is going to enroll, in a private school that is not located in the parent's resident county, then the LEA of the resident county and LEA of the county in which the private school is located may not share any personally identifiable information about the child unless parental consent to do so has been obtained.</p>
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<p>Court order or subpoena</p>	<p>Release of records in complying with a court order or subpoena does not require parental consent; however, the parent must be informed in advance (7 – 10 days) of the pending release. The district has developed a sample letter to</p>
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	assist school and district personnel in providing the required prior notice to the parent. The sample letter can be obtained by contacting the district's Office of Student Planning, Placement and Support, at 272-4692.
Lists of types and locations of information	The school district shall provide parents, upon request, a list of types and locations of education records collected, maintained, or used by the district.
Fees	The district may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. However, the district may not charge a fee to search for or to retrieve information under Part B of the IDEA.
Amendment of records at parent's request	A parent who believes that information in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of their child, may request that the district amend the information. The district must decide whether to amend the information in accordance with the request within a reasonable period of time upon receipt of the request. If the district decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a records hearing.
Opportunity for a records hearing	The district must, upon receipt of a parental request, provide an opportunity for a records hearing to afford the parents the opportunity to challenge district information in education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
Result of records hearing	If, as a result of the records hearing, the district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent of the right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district in their child's student records. Any explanation by the parent which is placed in the student's records must be maintained by the district as part of the student's records for as long as the record, or contested portion, is maintained by the district; and if the records of the student, or the contested portion, is disclosed by the district to any party, the explanation must also be disclosed to the party.
<p>For additional information regarding records, please contact the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> ESE Supervisors and ESE District Resource Teachers in the Area District Offices</li> <li><input type="checkbox"/> Staffing Coordinators and Staffing Specialists in the Area District Offices</li> <li><input type="checkbox"/> Supervisor for ESE Staffing and Supervisor for ESE Compliance at the Velasco Student Services Center</li> </ul>	
<p>References:</p> <p>Federal Register 34 CFR Parts 300 and 301</p> <p>Family Educational Rights and Privacy Act (FERPA)</p>	