

## Requesting Education Records: Step-by-Step Guide

### Who is an education rights holder (“ERH”)?

- Biological parents- Unless their rights have been limited or terminated by a court
- Adoptive Parents with adoption order
- Legal Guardians with letters of guardianship from a court
- Responsible adults appointed by the court to hold education rights via JV-535 (ex. Foster parents, Relative caregivers, Court Appointed Special Advocates)

### The Purpose of Requesting Records

- Track education performance over time
- To help better understand the child’s needs
- To determine interventions that have or have not worked in the past
- They allow comparison between old testing and new testing to monitor academic progress

### Examples of Records you May Receive

- Report cards: They will show academic progress throughout the child’s education history
- Transcripts: These show how close to graduation a child may be based on their accumulated class credits
- Attendance records: They show whether the child is going to all of their class periods daily
- Special Education Assessments: These show a child’s current functioning both academically and behaviorally
- Individualized Education Programs (“IEPs”): These show whether services/goals are meeting the child’s needs

### Procedures for ERHs to Request Education Records

- Step 1.** Complete the form: Sign and date the form on the reverse side of this document. Complete one for each school the child has attended.
- Step 2.** Submit the form: Turn in the completed form and proof that you hold education rights to all the schools you’re requesting records from. Proof that you hold education rights may be: a minute order or JV-535 form from the court, guardianship letters or adoption order. If you are the biological parent to the child you DO NOT need to present any proof.
- Step 3.** Get proof: You should get proof that the school received your records request, in case you later have any difficulties getting the school to send records. There are 3 possible ways to get proof that you submitted the records request form.
- a) If submitting the form in person, get a date stamp on the form and keep a copy as proof.
  - b) If submitting via fax, keep a copy of the fax transmittal report confirming that the fax was received.
  - c) If sending via mail, send it via certified mail. Make sure to keep the certified mail receipt as proof.
- Step 4.** Get records: Schools, by law, have only 5 business days to send you the records you requested. You should call the school 2 days after submitting the records request form, to confirm that it was received and that they will be sending you records within 5 business days. If the school informs you that they do not have records for your child, ask that they put this in writing.
- Step 5.** If by the 5<sup>th</sup> day you have not received any records, contact the school and request that they send them to you immediately.
- Step 6.** Organize and Review Records: Once you receive the records, organize them chronologically, by school year, and read through them to make sure you received everything you requested. You should make sure that you received all of the child’s report cards, attendance records, transcripts, behavior notes/suspension notices. If your child is in special education, pay close attention to the IEP dates and make sure that you have an IEP for each year they were eligible and an assessment every three years. If you notice that anything is missing, you should go back to the school and request that they give you the missing documents.

# Records Request

Date: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

RE: Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Dear Records Clerk,

I am hereby requesting a copy of any and all general and special education records for the above mentioned child. I am requesting all records, including, but not limited to the following:

1. All Health Records
2. All Cumulative Records (including attendance, progress reports, report cards and transcripts)
3. All Disciplinary Records
4. All Star testing, Stanford 9 Scores and CAT – 6 Scores
5. All Correspondence (e.g., inter-office notes, memos, letters, etc.)

*And if applicable:*

6. All Special Education (e.g. psychological, educational, speech, OT, PT, etc.)
7. All Testing Protocols
8. All Individualized Education Programs

Please note that I am the education rights holder (“ERH”) for this child. Please waive all fees associated with the duplication of these records, as such fees would effectively deny me access to these records. Please provide a physical copy of all records to the address below. I understand that by law, these records should be provided to me in 5 working days. 17 CCR § 52164(b); Educ. Code §§ 49069, 56504. Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

ERH Signature: \_\_\_\_\_

ERH Name: \_\_\_\_\_

ERH Address: \_\_\_\_\_

ERH Phone Number: \_\_\_\_\_