



How to Conduct a Physical File Review



Parent Information Center

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A file review may be important and beneficial if you:

- Have not kept copies of all reports, minutes, letters, etc. and you would like to have a complete organized record;
- Suspect that the school district may not have all existing records upon which to base decisions about your child;
- Have concerns that meetings are becoming difficult to resolve; and/or if
- Mediation, neutral conference or due process seem likely.

The right to a review of school records comes from the family Educational Rights and Privacy Act of 1974. This law applies to all children, whether they have disabilities that require special education or not. The NH Standards for the Education of Children with Disabilities also guarantees these same rights and protections.

The law gives parents the right to:

- review all records;
- ask for corrections of any educational records relating to their child that are collected, maintained, or used by the school district;
- removal or correction of portions of the record under certain circumstances;
- know who else has reviewed the record – ‘and when and why; and
- be assured that information contained in the record is kept confidential and made available only to individuals who have a right to know about it.

The physical file review can be done by the parent or by someone else who has the parent’s written consent to do the review on their behalf.

The following is a list of steps to help you do the file review:

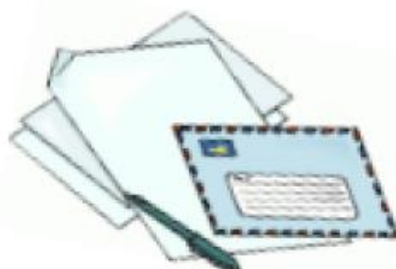
- ⇒ Send a detailed and dated letter and keep a copy (see sample letter on next page)

Please Note: *Your letter should be easy to read (typed or printed very neatly)*

It is very important that all correspondence be dated and that you keep a copy for your records.

It is generally a best practice to send your letter to more than one person, including an administrator (special education director/coordinator, principal, or superintendent), and your child’s case manager or teacher.

- ⇒ The school district must arrange for you to inspect and review all school records within 14 calendar days of receiving your letter. Parents or another person that the parent has designated, have the right to inspect and review school records before any meeting regarding an IEP or before a hearing.



Sample Letter Requesting to Review Files

[Date]

Dear _____,

This letter is to request that you identify for me the location and custodian of all education records, files, audio tapes, video tapes, correspondence, and computer-stored information that exists within the school district and SAU [# of SAU, if known] on my son/daughter [Name of child], who is a student at [name of child's school] in [grade/class].

I would like to make an appointment to physically review and, at my discretion, copy these records, files, correspondence, tapes, and computer-stored information.

Please confirm dates and times when it will be mutually convenient for me to conduct this physical file review. I understand that I will be able to review these records within 14 days after your receipt of this letter. The following are some dates/times that would be convenient for me: [include several dates and times when you would be able to conduct the file review].

I look forward to receiving your response.

Please include a copy of this letter in my child's file.

Sincerely,

[Your name, address, telephone number and email address]

cc: [List of any other people to whom you are sending a copy of this letter]

The school district may charge you a minimal copy fee, but not a retrieval fee (they cannot charge for the time staff spend locating and copying the document). Ask for a written copy of the school district's fee schedule.

- ✚ After sending your letter, call to confirm a mutually agreeable time and date for the review.
- ✚ On the day of the file review, bring:
 - someone to help you if possible;
 - a pad of lined paper, a pen, and a package of post-it notes; and
 - your own copy of your child's file, organized by date.
- ✚ When you arrive at the office where you will be conducting the file review:
 - Ask the person who is giving you access to the files if there are any other files, records, etc., in the school district or in the SAU. Ask this in the beginning and at the end of the review.
 - Expect that the school district may assign someone to be available for questions you may have. Limit conversations, be pleasant, but businesslike. You may ask questions about the file at a later date.
 - There may be several file folders/binders/tapes, etc. that you will review. It is important to identify each item carefully and accurately as you create a master list on your lined paper (see sample format for recording information).

Sample Format for Recording Information

| Document Location | Date & Number of Pages/Sides | Document Identification | Flag for Copying |
|---------------------|--|--|------------------|
| Cumulative file | 3-22-2019 3 pages | Letter from R. Smith, Sp. Ed Director to parents | √ |
| School nurse file | 2-20-2020 3 copies of same document | Evaluation report by Dr. X | √ |
| Central office file | 4-1-2020 One page, 2-sided | Mail receipt | √ |

- ✚ Organize yourself; prepare your own file in chronological order in a 3-ring binder before you go to the file review, and bring your own complete file with you. Take special care not to mix your file and the school district file together or to get the file out of order. Compare your documents to the school district’s documents page-by-page.
- ✚ Flag documents or pages for copying by placing a “post-it” note on the top of the document. If you want only certain pages copied, write the page(s) to be copied on the post-it. Only request copies that you need. Remember, the district may charge a reasonable copying fee for each copy you request they make for you.
- ✚ If documents are the same but have notations, receipt stamps, comments, or have additional pages, add a note to your listing that there are notations, etc, specifying that there are notations, comments, etc. and the number of each page to which your note applies (i.e. comments on pages 6 & 10).
- ✚ If the procedural safeguards handbook (parent’s rights handbook), etc. are included in the file, be sure that you also have a copy. If not, flag it to be copied. Note the date on the handbook if there is a date. Look for a copy of a receipt that you may have been asked to sign confirming that you were given a copy of the handbook. The receipt can help you to identify which version of the handbook you were given, how often, and on which dates.
- ✚ Be especially attentive for permission (consent) to test forms that you have signed, consent to exchange or release information with other professionals, and anything else that you have not seen or were not provided a copy, or documents that you did not retain for your records. Flag these documents for copying.
- ✚ Don’t be surprised if you are not able to get the copies you requested immediately. Generally, the copies will be mailed to you within a week, or you may make arrangements with the school or district to pick up the documents and to pay for them at that time.



- ✚ When you receive your copies, check them against your master list to be sure that all copies you requested were copied, and that you have all of the pages. If one document refers to another document (letter, report, etc.), check to make sure that you have all of the document, including those that are referenced in another document. If not, you may make an additional written request for those items.
- ✚ Be sure that you are able to read all of the copies you receive. If you are unable to do so, request in writing that legible copies be made for you. Keep a copy of this letter for your files.
- ✚ When you receive your copies, mark the upper right-hand corner of each with an asterisk (*) and indicate in a file note to yourself that all such marked documents were reviewed on [date of your file review]. Note also the date on which you received the copies.
- ✚ Integrate the new copies into your files by date – after you have marked them and after you have checked them off on your master list that you developed on the day that you conducted your file review at the school district (see sample format for recording information, included on the previous page of this brochure).
- ✚ If mediation or a due process hearing seems likely, you will want to copy the new documents for review and so that you have a complete copy of your child's records for possible use for one of these procedures.
- ✚ Conducting a physical file review of school district files by a parent does not necessarily indicate that a conflict is expected. Some parents just want a complete copy of their child's records for future use. Having a complete copy of your child's records is particularly important if you are moving to a new school district or to another state.



Keep in mind:



If you have questions or need additional information, please contact the Parent Information Center:

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MISSION: *PIC ... supporting informed decisions that enhance each child's development and well-being*

PIC is committed to the belief that ~

- *Families make the difference.*
- *When families, professionals, and other partners are well-informed and have a shared commitment to work together, everyone benefits.*
- *As youth move toward adulthood, they have increasing ownership of their future.*
- *Every child can succeed and contribute as valued members of the community.*

The Parent Information Center on Special Education is a project of PIC, providing training, information and resources on special education issues to families, educators and others.



Note: *This document is not intended to serve as a complete overview of either Federal or NH special education law. It is not to be construed as legal advice; it is for informational purposes only.*