Education records: [34 C.F.R Part 99]
“those records, files, documents, and other materials which
(i) contain information directly related to the student; and
(ii) are maintained by an educational agency or institution or by a person acting for such an agency or institution.”

Key Legislation

13 Categories
1. specific learning disabilities
2. speech/language disorders
3. mental retardation
4. emotional disturbance
5. other health impaired
6. multiple disabilities
7. hearing impairments
8. orthopedic impairments
9. autism
10. visual impairments
11. developmental delay
12. traumatic brain injury
13. deaf-blindness

Key Components of IDEA
- child find
- free, appropriate public education (FAPE)
  - special education services
  - related services
- nondiscriminatory assessment
- individualized education program (IEP)
- least restrictive environment (LRE)
- due process safeguards
- transition
**Section 504 -- Rehab Act**

- Different from IDEA
- "major life activity" (e.g., learning)
- Does include eligibility procedures
- However, not many students with MR served under this law

**Rehabilitation Act**

- Section 504 -- key part of law
- Prohibits discrimination on basis of a disability
- "substantial limitations -- major life activities"
- Most recent amendments -- part of Workforce Investment Act (1998)

**Major Life Functions**

- Breathing
- Caring for oneself
- Concentrating
- Hearing
- Interacting w/ others
- Learning
- Lifting
- Reaching
- Reproducing
- Seeing
- Sitting
- Sleeping
- Speaking
- Standing (while performing manual task)
- Thinking
- Walking
- Working

**Typical School Records**

**How 504 applies to schools!**

- All Students
- 504 Students
- IDEA Students

**Typical Records**

- Transcripts
- Health records
- Anecdotal
- Psychological
- Disciplinary/behavioral
- Special education
- Other?
### Transcripts
- grades and credits
- test scores -- group achievement
- attendance records
- parent communications
- indication of sped placement

### Educational Assessment
- **Types:**
  - norm-referenced v. criterion-referenced
  - standardized v. nonstandardized
  - group v. individual
  - formal v. informal

### Educational Assessment (cont.)
- **Types of Scores:**
  - grade or age equivalents
  - percentiles
  - standard scores:
    - mean
    - SD
    - common: 100 15
    - subtest: 10 3

### Educational Assessment (cont.)
- **Types of Scores:**
  - grade or age equivalents
  - percentiles
  - stanines (1,2,3 4,5,6 7,8,9)
  - standard scores:
    - mean
    - SD
    - common: 100 15
    - subtest: 10 3
    - T-scores: 50 10
    - NCE: 50 21.06

### Educational Assessment
- **Purposes:**
  - screening
  - present levels of performance
  - progress monitoring
  - identification/eligibility
  - evaluation:
    - proficiency/competency (e.g., AB65)
    - "high stakes" (e.g., TAAS, TAKS)

### Individualized Assessment
- **General Education:**
  - not too common
  - if done -- T choice or ...
- **Special Education:**
  - required for MR eligibility --
    - IQ
    - AB
  - achievement:
    - *Wide Range Achievement Test (WRAT)*
    - *Woodcock Johnson*
Special Education Process & Records

“Red Flags” Things to Look For

- in the initial referral information, look for statements suggesting intellectual and adaptive functioning problems
- parent comments that corroborate MR features

Eligibility Determination

Five Steps/Phases

(1) Functional Behavior Assessment (FBA):
   (a) background information
   (b) direct/indirect activities
   (c) hypotheses generation

(2) Manifestation Determination

(3) Behavioral Intervention Plan (BIP)

(4) Intervention

(5) Monitor/Evaluate Intervention
“Red Flags”
Things to Look For

- if the student is determined eligible, look for “label” that indicates a finding of MR (“emr” “slic” “md”)
- test data -- including IQ measures, AB measures, achievement scores
- other assessment information such as rating scales, checklists, observations, interviews, teacher notes

Insider Information

- “LD” -- instead of ...
- Chapter l (Title l) instead of ...

Program Planning

Key Components of an IEP

- present levels of performance
- annual goals (1 v. 3)
- (short-term objectives)
“Red Flags” Things to Look For

- IEP goals that emphasize:
  - life skills
  - self-help skills, and/or
  - functional skills (functional academics)
  - many related service needs

Select Related Services

- speech & language
- physical therapy
- occupational therapy
- counseling
- transportation

“Red Flags” Things to Look For (cont.)

- IEP goals that relate to vocational preparation and contact with the job placement personnel
- substantial adaptations & modifications in curricular and instructional areas
- exemptions from taking “high stakes” tests

Placement Options

- special school (e.g., continuation school, ALC, ...)
- self-contained special education class [all or most of the day]
  - different types
- resource room/program [part of the day]
- [content mastery -- TX]
- general education with supports
- general education without supports
“Red Flags”
Things to Look For
- attendance at a special school
- placement in self-contained special class
- placement in resource room

Intervention

“Red Flags”
Things to Look For (cont.)
- educational aide with student in general education classroom(s)
- flat profile of academic performance that is significantly below average
- failing grades

Exit From School

“Red Flags”
Things to Look For
- drops out of school -- prior to 9th grade
- stays in school until age 22
Focus on “Transition Services”

“Red Flags” Things to Look For
- transition plan that includes many transition needs -- IEP by age 16
- transition goals that include supported employment activities
- transition goals that include linkages to vocational rehabilitation, department of health/mental retardation, Social Security Administration, etc.

School Realities
- general education teachers
- inclusion movement:
  - “mainstreaming” -- late 70’s
  - “regular education initiative” - 80’s
  - “inclusion” - current
- educational jargon, initialisms, etc.

School Realities (cont.)
- augmenting records with teacher interviews
- terminology of the “time”
- “Zeitgeist” of the times

School Realities (cont.)
- a significant number of kids with MiMR -- not “identified”
- family
- coded as such in schools*
- Family Educational Rights and Privacy Act (FERPA)
- Individuals with Disabilities Education Act (IDEA)
FERPA/IDEA/GEPA Notes

- confidentiality
- must retain records for at least 5 years [General Education Provisions Act]
- under IDEA – must notify parents & provide copies if requested

7. How long must a school maintain or keep education records?

- IDEA says that a permanent record of a student’s name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitations.

- Generally, FERPA does not address retention and destruction of education records. Other federal laws, state laws, and professional standards guide retention and destruction of education records.

- A school or agency may not destroy an education record if there is an outstanding request by a parent to inspect and review the record.

Some Questions To Ask

Questions for Former Teachers

- What type of grades did Anthony receive?
- Was he every placed in special education?
- Was an evaluation ever done on him?
- Do you have any samples of his work?

Questions for Parents

- What type of grades did Anthony receive?
- Was he ever placed in special education?
- Was an evaluation ever done on him?
- Do you have any samples of his work?
- Did you ever attend any school meetings that discussed his need for special education?

Questions for Parents (cont.)

- Did you ever sign any forms that about your son and his need for special education?
General Recommendations

- develop framework for gathering information about and analyzing school data
- work from specific questions when investigating case and interviewing folks
- remember the concept of “convergent validity”