



Special Education Law Update

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CALIFORNIA PUBLIC SCHOOLS NOW HAVE FIVE BUSINESS DAYS TO RESPOND TO A RECORDS REQUEST AND PROVIDE PUPIL RECORDS TO PARENTS

On September 28, 2006, Assembly Bill 2871 was signed into law. AB 2871 changes the time line for districts to respond to a parent's request to inspect and review or receive copies of a pupil's educational records.

Prior to AB 2871, existing law provided that individuals with exceptional needs have the right to receive a free appropriate public education and have procedural safeguards available to protect that right. One of the procedural safeguards required districts to provide copies of, or make available for inspection, pupil records within five days of a parent's request for records.

The former five-day time line counted calendar days and included weekends and holidays, which often made compliance difficult for many districts. AB 2871 provides some relief for districts and now provides that records are to be made available within five business days of a parent's request.

Specifically, the following changes, in pertinent part, have been made to the California Education Code:

Section 49069 of the Education Code is amended to read:

Parents of currently enrolled or former pupils have an absolute right to access to any and all pupil records related to their children that are maintained by school districts or private schools. The editing or withholding of any of those records, except as provided for in this chapter, is prohibited.

Each school district shall adopt procedures for the granting of requests by parents for copies of all pupil records pursuant to Section 49065, or to inspect and review records be during regular school hours, provided that the requested access shall be granted **no later than five business days following the date of the request**. Procedures shall include the notification to the parent of the location of all official pupil records if not centrally located and the availability of qualified certificated personnel to interpret records if requested. [Emphasis added.]

Section 56043(n) of the California Education Code, affecting time lines for special education programs, is amended to read:

The parent or guardian shall have the right and opportunity to examine all school records of the child and to **receive complete copies within five business days after a request is made by the parent or guardian**, either orally or in writing, and before any meeting regarding an individualized education program of their child or any hearing or resolution session pursuant to Chapter 5 (commencing with Section 56500), in accordance with Section 56504 and Chapter 6.5 (commencing with Section 49060) of Part 27. [Emphasis added.]

Section 56504 of the California Education Code is amended to read, in pertinent part:

The parent shall have the right and opportunity to examine all school records of his or her child and to receive copies pursuant to this section and to Section 49065 **within five business days after the request is made by the parent, either orally or in writing.** [Emphasis added.]

If you have any questions, please do not hesitate to contact our office.

– Kathleen R. LaMay, Counsel

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