

	records on September 23, 2010 and March 28, 2011.	
2.	<u>Fees for Copies of Education Records:</u> Charging the parent a fee of \$509.97 to retrieve, review, and copy the student's records when to do so effectively prevents the parent from exercising the right to inspect and review the student's educational records.	<u>Dismissed</u> The Department has no authority to investigate this allegation.
	Requested Corrective Action. The parents are requesting: Full production and access to all school records, reimbursement for pertinent legal and medical costs, and a written guarantee of no such violations in the future.	None ordered.

III. FINDINGS OF FACT

Background

1. The child is twelve years old, lives in the Lake Oswego School District, and is in the sixth grade at a Hillsboro School District elementary school.
2. The child is not currently eligible for special education as a child with a disability.
3. Prior to September 2009, the child was eligible for special education and related services as child with a disability under the eligibility category of Communication Disorder.
4. In September 2009, the child was found to be ineligible for special education.
5. In March 2010, the Student Study Team at the child's elementary school considered the appropriateness of evaluating the child for special education eligibility purposes; the team determined that an evaluation was not necessary at that time.
6. The District has had no reason to reconsider the March 2010 decision and does not currently suspect that the child would qualify for special education and related services as a child with a disability.

IV. DISCUSSION

The Department does not have the authority to investigate or issue findings related to the parent's allegations concerning the District. Under OAR 581-015-2030, the Department is authorized to investigate and issue findings related to alleged violations of the Individuals with Disabilities Education Act. The protections of the Individuals with Disabilities Act apply only to children determined eligible for special education as a child with a disability and, in some

circumstance, children suspected of being eligible for special education as a child with a disability.

In this case, the child at issue is not currently eligible or suspected of being eligible for special education as a child with a disability. Additionally, the parent does not allege that the District's determinations regarding the child's eligibility status violated the IDEA in any way. Therefore, the provisions of the IDEA concerning parental access to student education records do not apply to the circumstances addressed in this complaint, and the Department is not authorized to investigate or issue findings related to parent's allegations.

Although the provisions of the IDEA concerning parental access to student education records do not apply to the circumstances addressed in this complaint, the parent's access rights may be covered by the Family Educational Rights and Privacy Act (FERPA). Complaints concerning alleged violations of the FERPA may be directed to the Family Policy Compliance Office (FPCO) of the U.S. Department of Education. The FPCO may be contacted via the U.S. Department of Education's website (www.ed.gov) or at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

V. CORRECTIVE ACTION

In the Matter of Hillsboro School District 1J
Case No. 011-054-019

No corrective action is ordered in this case.

Dated: June 23, 2011



Nancy J. Latini, Ph.D.
Assistant Superintendent
Office of Student Learning & Partnerships

Mailing Date: June 23, 2011

APPEAL RIGHTS: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which you reside. Judicial review is pursuant to the provisions of ORS 183.484.