

WAC 72-280-020 Access rights. (1) The school shall permit parents of students eligible for special education to inspect and review, during school business hours, any education records relating to the student which are collected, maintained, or used by the school under chapters 392-172A and 72-171 WAC. A request by a parent (or eligible student) to inspect and review education records should be made in writing to the director of education. The director of education or designee shall comply with a request promptly and before any meeting regarding an individualized education program or hearing or resolution session relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. The school shall respond, in no case, more than 45 calendar days after the request has been made.

(2) Where the education record includes information on more than one student, the parent(s) of those students (or the eligible students) shall have the right to inspect and review only the information relating to their child (or themselves) or to be informed of that specific information.

(3) The right to inspect and review education records under this section includes:

(a) The right to a response from the school to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent or eligible student from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent or eligible student inspect and review records.

(4) The school may presume that a parent has authority to inspect and review records relating to their child unless the school has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and dissolution.

(5) A list of the types and locations of education records collected, maintained, or used by the school may be obtained by the parent (or eligible student) at the director of education's office.

[Statutory Authority: RCW 72.40.022, 34.05.220, 34.05.250, 28A.155.010, and 42.56.100. WSR 24-16-108, § 72-280-020, filed 8/5/24, effective 9/5/24. Statutory Authority: RCW 72.40.022. WSR 16-13-068, § 72-280-020, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1232(g), 1412 (2)(D), 1414 (a)(1)(B) and 1417(c). WSR 90-16-010, § 72-280-020, filed 7/19/90, effective 8/19/90.]