

Colorado Department of Education
Decision of the State Complaints Officer
Under the Individuals with Disabilities Education Act (IDEA)

**State-Level Complaint 2020:522
Mountain BOCES**

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on June 24, 2020 by an attorney (Parent's Attorney) on behalf of a parent (Parent) and his children (Student A and Student B). Student A is identified as a child with a disability under the Individuals with Disabilities Education Act (IDEA).¹

Based on the written Complaint, the SCO determined that the Complaint identified allegations subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.² The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. §300.153(c), CDE has the authority to investigate alleged violations that occurred not more than one year from the date the original complaint was filed. Accordingly, this investigation will be limited to the period of time from June 24, 2019 through June 24, 2020 for the purpose of determining if a violation of the IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

SUMMARY OF COMPLAINT ALLEGATIONS

Whether the BOCES denied Student A and Student B a free appropriate public education (FAPE) because the BOCES:

¹ The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 C.F.R. § 300.1, *et seq.*

² Hereafter, only the IDEA regulation and any corresponding Exceptional Children's Educational Act (ECEA) rule will be cited (e.g., § 300.000, Section 300.000 or Rule 1.00).

1. Failed to provide Parent with access to Student A's education records within 45 days of his request, which was made on or about December 17, 2019, in violation of 34 C.F.R. § 300.613.
2. Failed to provide Parent with access to Student B's education records within 45 days of his request, which was made on or about December 17, 2019, in violation of 34 C.F.R. § 300.613.

FINDINGS OF FACT

After thorough and careful analysis of the entire record,³ the SCO makes the following FINDINGS:

A. Background

1. Student A is an 18-year-old eligible for special education and related services under the disability category of Specific Learning Disability. *Exhibit G*, p. 1. Student A attends a high school (School) located in Salida School District R-32-J (District), a member district of the Mountain Board of Cooperative Educational Services (BOCES). *Id.*
2. Student B is an 18-year-old who has never been determined eligible for special education and related services. *Interviews with Parent, Parent's Attorney, and Superintendent*. Student B graduated from School in May of 2020. *Id.* Parent does not allege that Student B was entitled to, or should have been evaluated for, special education and related services. *Interview with Parent*. For these reasons, the findings will focus only on Student A.
3. This dispute arose after Parent's Attorney submitted a request for education records on behalf of Parent and Student A. *Id.* Parent's Attorney alleges that the BOCES failed to respond to the request for education records within 45 days. *Id.*

B. The Request for Education Records

4. On December 19, 2019, Superintendent for the District received a certified mail delivery containing a request for education records submitted by Parent's Attorney on behalf of Parent and Student A. *Exhibit 2*, pp. 1-8. Included in the delivery was a waiver and authorization form to release records for Student A, which was signed by Student A. *Interviews with Parent's Attorney and Superintendent; Exhibit 2*, p. 1.
5. The waiver and authorization form contained the following request: "The request is for all education records from August 1, 2014 to the present related to and pertaining to

³ The appendix, attached and incorporated by reference, details the entire record.

and/or mentioning [Student A], including all emails, written correspondence and other records.” *Exhibit 2*, p. 1.

6. District and BOCES policies and procedures provide that parents, and students over 18 years of age, have the right to inspect and review education records within a reasonable period of time, not to exceed 45 days. *Exhibit F*, p. 8; *Exhibit I*, pp. 1-2. District policies also contain the procedures for requesting to review education records, which require that requests be submitted in writing to the principal of the school or designee, and that the principal or designee set a date and time for inspection and review of the records, usually within three working days after the request is made. *Exhibit F*, p. 9.
7. District policies and procedures are available on the District website, and procedural safeguards containing information about access rights are provided to parents at every IEP meeting. *Interviews with Superintendent and Former Director of Special Education*.
8. Although school principals generally respond to requests for education records, Superintendent responded to the request here because it was submitted by an attorney. *Interview with Superintendent*. On December 20, 2019, Superintendent emailed Parent’s Attorney to confirm that he received the request for education records. *Exhibit 3*, p. 1. Superintendent also asked for clarification regarding the specific records requested. *Id.*
9. Superintendent and Parent’s Attorney exchanged emails and voicemail between December 20, 2019 and January 22, 2020 but were not able to find a time to discuss the request. *Interviews with Parent’s Attorney and Superintendent; Exhibit 3*, pp. 1-2.
10. On January 31, 2020, Parent’s Attorney emailed Superintendent and reiterated that she was requesting the “entire educational record” for Student A, and “nothing should be excluded.” *Id.*
11. On February 3, 2020, Superintendent and Parent’s Attorney spoke on the phone regarding the records request, and Parent’s Attorney narrowed her request for emails to the past two years. *Interviews with Superintendent and Parent’s Attorney*. Based on this conversation, Superintendent reported that he understood that the entire request for records was limited to the past two years. *Interview with Superintendent*.

C. The BOCES Response to the Request for Education Records

12. Superintendent reports that on February 3, 2020 he prepared a package containing records for Student A, which he sent to Parent’s Attorney through certified mail. *Id.* The delivery receipt for the package indicates that it was delivered on February 14, 2020. *Exhibit H*, p. 1.

13. The SCO finds that Parent's Attorney first received a delivery of education records on February 11, 2020, when Superintendent emailed an electronic copy of the records that had been sent via certified mail. *Interviews with Parent's Attorney and Superintendent; Exhibit 3*, p. 7. This first delivery was received 55 days after Superintendent received the records request. *Id.*
14. The first delivery of records contained 10 pages of documents, consisting of a counseling contact log, letters to Parent, and attendance records. *Interview with Parent's Attorney; Exhibit 5*, pp. 1-10. No special education records, emails, or other education records were included in this delivery. *Id.*
15. After receiving the first delivery, Parent's Attorney emailed Superintendent on February 11, 2020 and restated her request for all education records for Student A, from August 1, 2014 to present. *Exhibit 3*, p. 8. Parent's Attorney also explained that she only limited her request for email correspondence to the past two years. *Id.*
16. On February 18, 2020, Superintendent sent Parent's Attorney a second delivery of education records via email. *Interviews with Superintendent and Parent's Attorney; Exhibit 3*, pp. 9-10. This second delivery included grade reports, attendance records, and class schedules. *Id.* No special education records, emails, or other education records were included in the second delivery. *Id.*
17. On March 4, 2020, Parent's Attorney filed a complaint with the U.S. Department of Education Student Privacy Policy Office (SPPO) alleging violations of the Family Educational Rights and Privacy Act (FERPA) due to the BOCES' failure to provide education records. *Interview with Parent's Attorney*. During the months of April, May, and June of 2020, Superintendent and Parent's Attorney communicated with an SPPO caseworker regarding the alleged violations. *Interviews with Superintendent and Parent's Attorney*. The caseworker advised in June of 2020 that the BOCES must provide an opportunity to inspect and review education records, and that the BOCES was not required to provide copies of education records under FERPA. *Id.*; *Exhibit E*, p. 1.
18. On May 13, 2020, Parent's Attorney emailed Superintendent and requested the remainder of the education records for Student A, including but not limited to attendance records, student enrollment information, report cards, progress reports, and special education documents, such as IEPs and evaluations. *Exhibit 8*, p. 1. Parent's Attorney requested that the records be provided electronically or through the mail, and she advised that Parent and Student A could not appear in-person to review the records due to the COVID-19 pandemic. *Id.*

19. Superintendent responded on May 27, 2020 and requested that Parent's Attorney ask Student A to make an appointment to inspect and review the education records in-person, as the county had "reopened." *Exhibit 8*, p. 1.
20. Parent's Attorney responded on June 2, 2020 with a request for copies of email communications, which had still not been provided. *Id.* at p. 2. On June 4, 2020, the District Technology Director emailed Parent's Attorney a third delivery of records consisting of electronic copies of email communications. *Interview with Parent's Attorney; Exhibit 8*, p. 6.
21. Upon receipt of the emails, Parent's Attorney attempted to view the files and was not able to do so because of the format of the files and encryption. *Interview with Parent's Attorney*. Parent's Attorney reported that it has taken her staff hours to open only a portion of the emails provided, and that Parent is charged for the time. *Id.*
22. On June 16, 2020, Parent's Attorney emailed Superintendent and requested that he provide the emails in an alternative, more user-friendly format. *Exhibit 8*, p. 2.
23. Parent's Attorney also repeated her request that Superintendent provide copies of Student A's special education records. *Id.* Superintendent responded by repeating his request that Student A make an appointment to inspect and review the education records in-person. *Id.* at p. 3.
24. The BOCES still has not provided Parent's Attorney with copies of Student A's special education records. *Interviews with Parent's Attorney, Parent, and Superintendent*. In addition, the BOCES has not provided the email communications in an alternative format. *Id.*
25. When asked about why the education records were not provided within 45 days, Superintendent stated that he was "just trying to get [Parent's Attorney] what she needed," and he needed clarification regarding the records requested. *Interview with Superintendent*. Superintendent explained that he did not provide the special education records because he understood the request to be asking only for Student A's cumulative file, or the general education records, not the special education records. *Id.*
26. Superintendent also emphasized that the release form did not explicitly request the IEP or other special education records. *Id.* In his previous experience as a special education coordinator, Superintendent said that special education records were requested explicitly when parents reached out to his office. *Id.*
27. When asked about why he did not provide the email communications in the first two deliveries of records despite the explicit request for them, Superintendent stated that

this was the first request for email communications that he had ever received. *Id.* This was the first records request that he responded to from an attorney during his four years as Superintendent. *Id.* He was not aware of other occasions in his experience in which education records were not timely provided to requesting parties. *Id.*

28. Both the former and current Directors of Special Education for the BOCES confirmed that there is not a separate process for requesting special education records and that Parent's Attorney should have been provided with all records requested within 45 days. *Interviews with Former Director of Special Education and Current Director of Special Education.* They were not aware of any other occasions in their experience in which records were not provided to requesting parties within 45 days. *Id.*
29. They explained that when records requests are received, Superintendents and other District designees typically reach out to the BOCES through Special Education Secretaries located within each District. *Id.* The request then goes to the records manager, who uses an internal tracking system to ensure that written consent is obtained, and that the office promptly responds to the request. *Id.* It is the BOCES' practice to respond to records requests within 10 days. *Id.* In this case, Superintendent did not notify the Director of Special Education about the records request. *Interviews with Superintendent, Former Director of Special Education, and Current Director of Special Education.*

D. The Impact of the Failure to Provide Education Records

30. Parent's Attorney alleges that the BOCES' failure to respond to the request for education records has prevented Parent from being informed about the content of Student A's special education records and from seeking to remedy any potential deficiencies. *Complaint*, p. 4. However, the SCO finds that Parent was provided with copies of Student A's special education records through the IEP process during the time period under investigation.
31. Student A's annual IEP review was held on October 18, 2019. *Exhibit G*, pp. 1-3. Notice of Meeting was sent home with Student A on September 20, 2019, and Parent confirms receiving notification. *Interviews with Parent and Special Education Teacher; Exhibit G* pp. 14-16.
32. On October 18, 2019, a properly constituted IEP Team convened to complete an annual review and transition IEP for Student A. *Exhibit G*, pp. 1-3, 20-22. Parent attended the IEP meeting, and he was provided with a copy of the October 18, 2019 IEP at the meeting. *Interviews with Parent and Special Education Teacher; Exhibit G*, pp. 1-3. A copy of the IEP was also mailed to Parent on November 14, 2019. *Interview with Special Education Teacher; Exhibit G*, p. 24.

33. Parent did not request any subsequent IEP meetings, and Parent did not request copies of Student A’s education records beyond the request submitted by Parent’s Attorney. *Interviews with Parent and Special Education Teacher.*
34. Parent reported that during the period under investigation he received copies of Student A’s special education records and had access to Student A’s report card. *Id.* Parent was not aware of any special education records that were not provided directly to him through the IEP process during the 2019-2020 academic year. *Id.*
35. The BOCES tracks the provision of special education documents to parents through the online system Frontline, and Former Director of Special Education, who served in the position until June 30, 2020, explained that he is alerted when documents are not provided to parents. *Interview with Former Director of Special Education.* He reported that he did not receive any alerts regarding Student A during the 2019-2020 academic year. *Id.*
36. Additionally, Parent and Student A had electronic access to Student’s attendance records, grade reports, and schedules through an online portal called Infinite Campus, and Special Education Teacher mailed Parent copies of Student A’s progress reports with his report card. *Interviews with Parent, Former Special Education Director, and Special Education Teacher.*
37. When asked about how the BOCES’ failure to provide education records impacted Student A’s education and receipt of a FAPE, Parent’s Attorney said that she expects to file a Due Process complaint, but she cannot evaluate the services received by Student A to determine if there have been violations of the IDEA without analyzing the special education documents. *Interview with Parent’s Attorney; Reply*, p. 2. Neither Parent nor Parent’s Attorney alleged any violations of the IDEA beyond the failure to provide access to education records. *Interviews with Parent and Parent’s Attorney; Complaint; Reply.*

CONCLUSIONS OF LAW

Based on the Findings of Fact above, the SCO enters the following CONCLUSIONS OF LAW:

Conclusion to Allegations No. 1: The BOCES failed to provide Parent with access to Student A’s education records within 45 days of his request, in violation of 34 C.F.R. § 300.613.

One of the procedural safeguards afforded to parents under the IDEA is the right to inspect and review their child’s education records. 34 C.F.R. § 300.613(a). Accordingly, a school district “must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency.” *Id.* A district must comply with a request

from a parent to review his or her child's education records "without unnecessary delay and before any meeting regarding an IEP," and in no case more than 45 days after the request. *Id.*

Education records are "those records that are: (1) [d]irectly related to a student; and (2) [m]aintained by an educational agency or institution or by a party acting for the agency or institution." 34 C.F.R. §§ 99.3 and 300.611(b). A record means "any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche." *Id.* IEPs are considered protected education records for the purposes of FERPA because they contain information about a student and are maintained by the educational agency or institution. *Letter to Cossey*, 211 IDELR 351 (OSEP 1984).

Parents, students, and their representatives also have the right to obtain a copy of education records "if failure to provide those copies would effectively prevent the [party] from exercising the right to inspect and review the records." 34 C.F.R. §§ 300.613(b)(2) and 99.10(d). For example, a pandemic is one circumstance that could effectively prevent a parent from exercising the right to inspect and review. *See Questions and Answers on Implementing IDEA Part B Procedural Safeguards During COVID-19*, pp. 3-4. On June 30, 2020, OSEP provided guidance regarding records requests received during the COVID-19 pandemic, in light of school closures and social distancing requirements: "[P]arents and public agencies may identify a mutually agreeable timeframe and method to provide access...For example, the school could provide the parent with the requested information from the child's records via email, a secure on-line portal or postal mail..." *Id.*

As a preliminary matter here, the SCO finds and concludes that the allegation related to the request for records for Student B is outside of the scope of CDE's jurisdiction under 34 C.F.R. § 300.153(b) because Student B was not eligible for special education and related services during the time period under investigation. (FF #2). Accordingly, the analysis will focus on Student A.

Parent's Attorney alleges that the BOCES failed to provide Student A's education records within 45 days of the request. The SCO finds and concludes that the evidence supports this allegation.

As shown in FF #s 4 and 5, Parent's Attorney submitted a request on behalf of Parent and Student A seeking all of Student A's education records, from August 1, 2014 to the present, and the request was received by Superintendent on December 19, 2019. Thus, the IDEA required that the BOCES respond by February 2, 2020. However, the first delivery of records was not made until February 11, 2020—55 days after the records request was received. (FF #13-14). A second delivery was provided 62 days after the request was received, and a third delivery was not provided until June 4, 2020—169 days after the request was received. (FF #16, 20). None of the deliveries contained Student A's special education records, and to this date, the BOCES has still not provided the special education records. (FF #14, 16, 20, 24).

The BOCES argues that Parent’s Attorney made a series of separate requests, to which the Superintendent timely responded with the exclusion of the first delivery. *Response*, p. 4. However, FF #s 5, 10, 15, and 18 show that Parent’s Attorney repeated her initial request for “all education records from August 1, 2014 to the present” throughout the relevant period. A request for “all education records” for Student A would necessarily include Student A’s special education records, and it would also include email communications maintained as part of Student A’s record, which Parent’s Attorney explicitly requested. (FF #5). See *Brownsburg Community School Corporation*, 59 IDELR 146 (SEA IN 2012).

While the BOCES was only required to provide the opportunity to inspect and review the records, Superintendent chose to provide copies of the records. (FF #12-14, 16, 20). Therefore, Superintendent should have provided copies of all records requested within 45 days.

Instead, Superintendent requested that Student A make an appointment to inspect and review his records on May 27, 2020—161 days after the records request was received, and after Parent’s Attorney informed Superintendent that Student A could not appear in-person due to the COVID-19 pandemic. (FF #18-19, 23). The SCO finds and concludes that a public health emergency, such as the COVID-19 pandemic, qualifies as a circumstance that effectively prevented Student A from exercising the right to inspect and review. See *Questions and Answers on Implementing IDEA Part B Procedural Safeguards During COVID-19*, pp. 3-4.

While the county may have “reopened” by the time Superintendent extended the invitation to inspect and review, FF #18 demonstrates that Parent’s Attorney clearly stated that Student A could not meet in-person due to the pandemic. Superintendent had previously provided Parent’s Attorney with education records through the mail and email, and under the circumstances, Superintendent should have worked with Parent’s Attorney to find a mutually agreeable delivery method.

Moreover, although Superintendent eventually provided copies of email communications to Parent’s Attorney on June 4, 2020, the SCO finds and concludes that the BOCES effectively prevented Parent’s Attorney from exercising the right to inspect and review by declining to provide these copies in a user-friendly format. (FF #21-22, 24). Parent’s Attorney is not able to open the electronic files without great expenditures of time and cost to Parent. Superintendent should have worked with Parent’s Attorney to provide the emails in an accessible form.

For these reasons, the SCO finds and concludes that the BOCES failed to provide Parent with access to Student A’s education records within 45 days of his request, in violation of 34 C.F.R. § 300.613.

The failure to comply with a procedural requirement amounts to a violation of FAPE only if the procedural violation (1) impeded the child's right to a FAPE, (2) significantly impeded the parent’s opportunity to participate in the decision-making process, or (3) caused a deprivation

of educational benefit. 34 C.F.R. § 300.513(a)(2); *Urban v. Jefferson County Sch. Dist. R-1*, 24 IDELR 465 (10th Cir. 1996). Based on the evidence, the procedural violation here did not impede Student A's right to a FAPE, impede parent participation, or deprive Student A of an educational benefit, in violation of 34 C.F.R. § 300.513(a)(2); *Urban v. Jefferson County Sch. Dist. R-1*, 24 IDELR 465 (10th Cir. 1996).

While the findings demonstrate that the BOCES committed a procedural violation by failing to provide education records, FF #s 30-37 demonstrate that the violation did not amount to a violation of FAPE. The evidence shows that Parent was provided with copies of Student A's education records and informed of their content through the IEP process. He was not aware of any special education records that were not provided to him, and he had electronic access to Student A's grade reports, attendance records, and schedule. Parent attended Student A's IEP meeting, and he did not request any subsequent meetings. Neither Parent nor Parent's Attorney has alleged any other violations of the IDEA related to Student A's education or the receipt of a FAPE. Parent's Attorney asserted that she would need to review Student A's education records before she could determine whether any additional violations occurred, but Parent had access to Student A's special education records and could have shared them with Parent's Attorney for the purposes of evaluating a potential claim. Therefore, the SCO finds and concludes that Student A was not denied a FAPE.

Systemic IDEA Violations: This investigation does not demonstrate violations that are systemic and will likely impact the future provision of services for all children with disabilities in the BOCES if not corrected. 34 C.F.R. § 300.151(b)(2).

Pursuant to its general supervisory authority, CDE must also consider and ensure the appropriate future provision of services for all IDEA-eligible students in the district. 34 C.F.R. § 300.151(b)(2). Indeed, the U.S. Department of Education has emphasized that the State Complaint Procedures are "critical" to the SEA's "exercise of its general supervision responsibilities" and serve as a "powerful tool to identify and correct noncompliance with Part B." *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46601 (Aug. 14, 2006).

In this case, the SCO finds and concludes that the procedural violation is not systemic in nature. As demonstrated in FF #s 6, 28, and 29, District and BOCES policies require the timely provision of education records consistent with the IDEA and FERPA, and BOCES practices generally result in a response within 10 days. Here, Superintendent did not act in accordance with District and BOCES policies and practices. He did not timely contact the Special Education Secretary or otherwise notify the Director of Special Education of the request, he did not respond within the required time period, and he did not provide all of the records requested. (FF #4-5, 13-14, 16, 20, 24, 28-29).

However, the SCO finds and concludes that this is an isolated incident. As discussed in FF# 27, Superintendent reported that this was the first records request that he responded to from an attorney during his four years as Superintendent. Superintendent, Former Director of Special Education, and Current Director of Special Education were not aware of any other occasions in which requesting parties were not provided with records within 45 days. (FF #27-28). The SCO thus finds that the evidence does not demonstrate a systemic violation.

REMEDIES

The SCO concludes that the BOCES has violated the following IDEA requirements:

- a) Failing to provide Parent with access to Student A's education records within 45 days of his request, in violation of 34 C.F.R. § 300.613.

To remedy this violation, the BOCES is ORDERED to take the following actions:

1. By **September 11, 2020** the BOCES must submit to CDE a proposed corrective action plan (CAP) that effectively addresses the violation noted in this Decision. The CAP must effectively address how the cited noncompliance will be corrected so as not to reoccur as to Student A and all other students with disabilities for whom the BOCES is responsible. The CAP must, at a minimum, provide for the following:
 - a. Superintendent must review this Decision in its entirety and the requirements of 34 C.F.R. § 300.613, as well as *Questions and Answers on Implementing IDEA Part B Procedural Safeguards During COVID-19*, with BOCES' legal counsel. This review must occur no later than **September 25, 2020**. A signed assurance that these materials have been reviewed must be completed and provided to CDE no later than **October 2, 2020**.
2. The BOCES shall provide Parent's current counsel or Parent, if he is no longer represented by legal counsel, with copies of Student A's special education records from August 1, 2014 to present and shall also provide copies of the requested email communications in a user-friendly format, such as PDF files or printed copies, by **September 4, 2020**. The BOCES shall provide documentation to the Department that the records have been shared, no later than **September 11, 2020**.

The Department will approve or request revisions that support compliance with the CAP. Subsequent to approval of the CAP, the Department will arrange to conduct verification activities to verify the BOCES' timely correction of the areas of noncompliance.

Please submit the documentation detailed above to the Department as follows:

Colorado Department of Education

Exceptional Student Services Unit
Attn.: Beth Nelson
1560 Broadway, Suite 1100
Denver, CO 80202-5149

NOTE: Failure by the BOCES to meet any of the timelines set forth above may adversely affect the BOCES' annual determination under the IDEA and subject the BOCES to enforcement action by the Department. **Given the current circumstances surrounding the COVID-19 pandemic, the Department will work with the BOCES to address challenges in meeting any of the timelines set forth above due to school closures, staff availability, or other related issues.**

CONCLUSION

The Decision of the SCO is final and is not subject to appeal. If either party disagrees with this Decision, their remedy is to file a Due Process Complaint, provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *See*, 34 C.F.R. § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 156, 46607 (August 14, 2006).

This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 20th day of August, 2020.



Lindsey Watson
State Complaints Officer

Appendix

Complaint, pages 1-5

- Exhibit 1: Student A's education records
- Exhibit 2: Records request and delivery receipt
- Exhibit 3: Email correspondence from December 2019 to February 2020
- Exhibit 4: First delivery of education records for Student B
- Exhibit 5: First delivery of education records for Student A
- Exhibit 6: Second delivery of education records for Student B
- Exhibit 7: Second delivery of education records for Student A
- Exhibit 8: Email correspondence from May and June of 2020

Response, pages 1-5

- Exhibit A: Education records provided by District for Student A
- Exhibit B: Education records provided by District for Student B
- Exhibit C: Not provided because correspondence was included in Exhibits 3 and 8
- Exhibit D: Not provided because contact information for staff was included in Response
- Exhibit E: FERPA caseworker guidance and delivery receipt for Response
- Exhibit F: District policies related to requests for education records
- Exhibit G: Student A's special education records for the 2019-2020 academic year
- Exhibit H: Certified mail receipt for first delivery of education records
- Exhibit I: BOCES policies related to requests for education records

Reply pages 1-5

Telephonic Interviews with:

- Superintendent: July 27, 2020 and August 7, 2020
- Current Director of Special Education: August 4, 2020
- Parent: July 30, 2020
- Parent's Attorney: July 30, 2020
- Former Director of Special Education: August 7, 2020
- Special Education Teacher: August 12, 2020