

AMENDED IN ASSEMBLY MAY 10, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2871

Introduced by Assembly Member Huff

February 24, 2006

An act to amend ~~Section~~ *Sections 49069 and 56504* of the Education Code, relating to ~~special education~~ *pupil records*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2871, as amended, Huff. ~~Special education: school~~ *Pupil records: inspection and reproduction.*

Existing law authorizes parents of currently enrolled or former pupils access to any and all pupil records related to their children which are maintained by school districts or private schools. Existing law requires each school district to adopt procedures for the granting of requests by parents for copies of all pupil records or to inspect and review records during regular school hours, provided that the requested access is granted no later than 5 days following the date of the request.

Existing law establishes a right of individuals with exceptional needs to receive free and appropriate public education and ensures the right to special education and related services needed to meet their unique needs, in conformity with federal law. Existing law requires all procedural safeguards under the federal Individuals with Disabilities Education Act to be established and maintained by each noneducational and educational agency that provides education, related services, or both, to children who are individuals with exceptional needs. Existing law provides, as part of procedural safeguards relating to special education, that a parent has the right and

opportunity to examine all school records of the child and to receive copies within 5 days after the request is made by the parent.

~~This bill would instead require the receipt of those copies within 10 business days after the request is made by the parent~~ *specify that the copies of those records be received within 5 business days of the request.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49069 of the Education Code is
2 amended to read:

3 49069. Parents of currently enrolled or former pupils have an
4 absolute right to access to any and all pupil records related to
5 their children which ~~are~~ *that* maintained by school districts or
6 private schools. The editing or withholding of any ~~such~~ *of those*
7 records records, except as provided for in this chapter, is
8 prohibited.

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

18 SECTION 1.

19 SEC. 2. Section 56504 of the Education Code is amended to
20 read:

21 56504. The parent shall have the right and opportunity to
22 examine all school records of his or her child and to receive
23 copies pursuant to this section and to Section 49065 within ~~10~~ 5
24 business days after the request is made by the parent, either
25 orally or in writing. A public education agency may charge no
26 more than the actual cost of reproducing the records, but if this
27 cost effectively prevents the parent from exercising the right to

- 1 receive the copy or copies the copy or copies shall be reproduced
- 2 at no cost.

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