

# Records

## SPECIAL EDUCATION ELIGIBILITY FOLDER

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Model operating procedures created by



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**CONTENTS**

Special Education Eligibility Folder..... 1

    What is Required ..... 1

    Additional Procedures ..... 1

        Collection and Maintenance ..... 1

        Cumulative Record File ..... 2

        Testing Protocols ..... 2

    Evidence of Implementation..... 3

    Resources..... 3

CITATIONS ..... 3



# Special Education Eligibility Folder

## What is Required

In addition to the student's cumulative record, the District must maintain an eligibility folder for each student receiving special education services. At a minimum, the eligibility folder must include:

- Copies of referral data;
- Documentation of notices and consents;
- Evaluation reports and supporting data;
- ARD Committee reports; and
- The student's IEP, which must include all required information in compliance with the IDEA. See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE SECTIONS OF MANUAL].

## Additional Procedures

### Collection and Maintenance

District or Campus Administration must keep all original copies of each student's special education eligibility folder in a secure, locked location (i.e. a locked filing cabinet) assigned at the student's campus—or in a location otherwise designated by the District. For students who have withdrawn or graduated from the District, the eligibility folders will be maintained by District Administration at a central location. For those students who are referred and evaluated for special education, but who do not qualify and/or those students who are DNQ'd from special education, a special education eligibility folder shall be created and maintained in a location designated by the District.

The special education eligibility folder should be made available for review by professional staff. The access record, which will list those individuals who have directly accessed the folder, should be in close proximity to the eligibility folder. See [RECORD OF ACCESS]. Any District or Campus Personnel who has an educational need to review the folder must sign the folder review access form in the student's folder, indicating their name, their position, the date, and their reason for viewing the records. If the student's original special education eligibility folder is maintained electronically only, electronic access, including the reason for the access, may be automatically recorded in an Access Log via the online platform.

Eligibility folders should only be removed from the secure, locked location after formally documenting the removal through a check-in/check-out process. These folders should



be returned the same day if possible. Otherwise, they must be stored in another locked filing cabinet overnight. Unless done by a District or Campus Assessment Personnel or Administration as needed, an eligibility folder should never leave the area designated by the District for eligibility folders. Should an eligibility folder need to be delivered to another campus/area in the District, District or Campus Assessment Personnel or Administration should personally deliver the folder rather than sending it in the mail. Likewise, only District or Campus Assessment Personnel or Administration at the other campus/area may accept the folder. When the folder is received by the other campus/area, the receiving individual should sign and date the transfer of records on a Transfer of Special Education Student Record form.

Personally identifiable student information that is maintained by individual teachers, counselors, or other staff may be kept in their individual offices or classrooms and do not need to be placed in the student's eligibility folder. These individuals are responsible for protecting the confidentiality of this personally identifiable student information.

### **Cumulative Record File**

In addition to the special education eligibility folder, a student's cumulative record file will typically contain personally identifiable information, including, but not limited to: enrollment applications; standardized test scores; attendance data; results of intelligence, aptitude, or psychological testing; interest inventory results; medical and/or health data; family background information; teacher or counselor ratings and observations; behavior reports or disciplinary information. Such information shall be maintained on the campus in which the student is enrolled.

### **Testing Protocols**

Testing protocols are considered educational records and therefore are protected under FERPA and the IDEA. The District must preserve all raw test data and protocols in the event a parent or eligible student wishes to exercise the right to review the protocols and test questions. A test answer sheet is considered an education record which the parent may request to review. Further, the parent may request that the District provide an explanation of the test results in addition to or instead of reviewing the protocols. However, testing protocols should not be maintained in the student's eligibility folder, but instead, should be maintained in a file maintained by Campus or District Assessment Personnel.

A parent who wants to review protocols should schedule an appointment with the Campus or District Assessment Personnel, where the Campus or District Assessment Personnel will be present to answer any questions asked by the parent or eligible student. The District should respond to this request within a reasonable period of time, but no more than 45 days after the request has been received.

A parent or eligible student may not be provided a copy of the protocols or copy protocol information, such as test questions or content, as this violates copyright laws.



## **Evidence of Implementation**

- Referral Data in Eligibility Folder
- Notices and Consents in Eligibility Folder
- Evaluation Reports and Supporting Data in Eligibility Folder
- ARD Committee Reports in Eligibility Folder
- ARD/IEP in Eligibility Folder
- Eligibility Folder Maintained in Locked, Secure Location
- Access Record
- Folder Review Form
- Meeting Log for Reviewing Testing Protocols
- Check-In/Check-Out Documentation
- Transfer of Special Education Student Record Form

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Special Education Eligibility Folder - Region 18](#)

[FPCO Letter to Tobias \(May 8, 2015\) - U.S. Department of Education](#)

[Information Security Handbook: A Guide for Managers - National Institute of Standards and Technology](#)

[Security and Privacy Controls for Federal Information Systems and Organizations - National Institute of Standards and Technology](#)

[Memorandum to Heads of Federal Agencies from the Office of Management and Budget \(May 22, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Jan. 18, 1989\) - U.S. Department of Education](#)

[OSEP Letter to Price \(Oct. 13, 2010\) - U.S. Department of Education](#)

## **CITATIONS**

Board Policy FL; 19 Texas Administrative Code 89.1075(a),(d)