

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

State Complaint SC2025-630
Fountain-Fort Carson School District 8

DECISION

INTRODUCTION

On November 4, 2025, the parent (“Parent”) of a student (“Student”) identified as a child with a disability under the Individuals with Disabilities Education Act (“IDEA”)¹ filed a state complaint (“Complaint”) against Fountain-Fort Carson School District 8 (“District”). The Colorado Department of Education (“CDE”) determined that the Complaint identified two allegations subject to its jurisdiction for the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.

The CDE extended the 60-day investigation due to exceptional circumstances on December 29, 2025, consistent with 34 C.F.R. § 300.152(b)(1).

The CDE’s goal in state complaint investigations is to improve outcomes for students with disabilities and promote positive parent-school partnerships. A final written decision serves to identify areas for professional growth, provide guidance for implementing IDEA requirements, and draw on all available resources to enhance the quality and effectiveness of special education services.

RELEVANT TIME PERIOD

The CDE has the authority to investigate alleged noncompliance that occurred no earlier than one year before the date the Complaint was properly filed. 34 C.F.R. § 300.153(c). Accordingly, findings of noncompliance shall be limited to events occurring after November 4, 2024. Information prior to November 4, 2024 may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

The Complaint raises the following allegations subject to the CDE’s jurisdiction under 34 C.F.R. § 300.153(b)² of the IDEA:

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.* The Exceptional Children’s Education Act (“ECEA”) governs IDEA implementation in Colorado.

² The CDE’s state complaint investigation determines if District complied with the IDEA, and if not, whether the noncompliance results in a denial of a free appropriate public education (“FAPE”). 34 C.F.R. §§ 300.17, 300.101, 300.151-300.153.

1. District did not afford Parent an opportunity to inspect and review Student’s education records after Parent’s request on or around October 7, 2025, and before any meeting regarding an Individualized Education Program (“IEP”), as required by 34 C.F.R. §§ 300.501 and 300.613.
2. District did not properly respond to Parent’s request to amend inaccurate or misleading information in Student’s education records on or around October 16, 2025—specifically, reference to Parent cancelling an IEP meeting—as required by 34 C.F.R. §§ 300.618 and 300.619.

FINDINGS OF FACT

After thorough and careful analysis of the entire Record,³ the CDE makes the following findings of fact (“FF”):

A. Background

1. Student is 15 years old and attends a District high school (“School”) in ninth grade. *Exhibit A*, p. 14. He has qualified for special education under the category of Other Health Impairment since March 6, 2025, when he attended eighth grade at a District middle school (“Middle School 2”) for the 2024-2025 school year. *See id.* at pp. 1-13. Student attended sixth and seventh grade at a different District middle school (“Middle School 1”) for the 2022-2023 and 2023-2024 school years. *Id.* at p. 14; *Interview with Parent*.
2. Student is creative, outgoing, and disciplined. *Interview with Parent*. He also loves playing soccer. *Id.* From Parent’s perspective, Student was happy and used to enjoy school; however, his mental, physical, and emotional health began to decline after he faced harassment at Middle School 1 and Middle School 2 between August 2022 and May 2024. *Id.*
3. Student had an IEP dated April 23, 2025 (“April 2025 IEP”) in effect during the period at-issue in this investigation. *See Exhibit A*, pp. 14-27.

B. District’s Policies, Practices, and Procedures

4. District maintains a Special Education Reference Guide (“Reference Guide”) that includes guidance on procedural safeguards and parental rights. *See Exhibit G*, pp. 38, 84; *Interview with District Director of Special Education (“Director”)*. The Reference Guide specifies that IEP teams should review a procedural safeguards form at every IEP meeting. *Exhibit G*, p. 38. This form notifies parents that they may “review and request copies of [their] student’s educational records at any time.” *Id.* at p. 84.

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

5. All District special education staff receive training on this Reference Guide during new-hire orientation and when District updates its guidance. *Interview with Director*. All special education staff and building administrators receive a hard copy of the Reference Guide and can access it virtually on District’s intranet. *Id.*
6. District also maintains Policy JRA/JRC (“Records Policy”) which establishes its approach to defining, managing, and disclosing student education records. *See Exhibit G*, pp. 1-7; *Interviews with Director and District Assistant Director of Special Education (“Assistant Director”)*.
7. The Records Policy defines student education records as “records in all formats and media, including photographic and electronic, [that] relate directly to a student.” *Exhibit G*, p. 1. Education records “may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any [IEP].” *Id.*
8. District maintains cumulative education records for all students—which include the information outlined in the Records Policy, such as attendance and enrollment history—on Infinite Campus, its online Student Information System. *Interview with Director*.
9. District also maintains special education records for all students with disabilities. *Id.* Each student with a disability has a “special education file,” which includes information such as IEPs, evaluation reports, consents for evaluation, notices of meeting, Prior Written Notices (“PWNs”), and signature pages. *Id.* At each building, a designated special education secretary maintains physical copies of these files. *Id.* Files are also maintained digitally through Enrich, and staff are expected to upload all special education records to this platform. *Id.*
10. A student’s special education file is a component of their cumulative education record. *Id.*; *see Exhibit G*, p. 1.
11. District does not maintain email communications in any student’s cumulative education record or special education file. *Interviews with Director and Assistant Director; Response*, p. 5; *see Exhibit H*, p. 292 (“Please note that staff email is not maintained as an educational record . . .”).
12. Because District does not routinely maintain email communications in student records, collecting emails is a distinct internal process from collecting a student’s cumulative record or special education file. *Interviews with Director and Assistant Director*. Collecting emails requires coordination with District’s technology department, and District can only access emails for the last 13 months on its server. *Interview with Director*.

13. Regarding behavioral and disciplinary records, District maintains summaries of recorded disciplinary incidents, detentions, and suspensions in a student's cumulative record. *See Exhibit H*, pp. 182, 195, 211. For recorded incidents, District also maintains "behavior detail reports" in a student's cumulative record. *See id.* at p. 221.
14. Per the Records Policy, parents have "the right to inspect and review their child's education records, if the student is under 18 years of age" and District will provide access to student education records consistent with the Family Educational Rights and Privacy Act ("FERPA"), FERPA regulations, and state law governing education records. *Exhibit G*, pp. 6-7.
15. Finally, the Records Policy establishes that parents "may ask the [D]istrict to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student [in accordance with state and federal regulations]." *Id.* at pp. 2, 7.

C. Parent's Requests to Inspect and Review Education Records

16. On September 24, 2025, Parent asked that Student's IEP team convene to amend the April 2025 IEP regarding accommodations for extracurricular activities and athletics. *Exhibit H*, pp. 373-374; *Response*, p. 2. In response, the IEP team scheduled an IEP amendment meeting for October 9, 2025. *Exhibit H*, p. 355; *Response*, p. 2.
17. The IEP team ultimately convened on November 4, 2025 to review and revise Student's IEP. *Response*, p. 6; *see Exhibit 9*.
18. Parent is concerned that District did not provide complete education records for his review and inspection, in response to three records requests, before the November 4, 2025 IEP meeting. *Complaint*, pp. 9-13; *Exhibit 9*, 0:00:01-0:02:30; 0:10:40-0:15:00; 0:18:00-0:22:00.
19. Specifically, Parent is concerned that District did not provide complete records that he requested from Student's enrollment at Middle School 1 and Middle School 2 between August 2022 and May 2024. *Interview with Parent*. Parent contends that he should have but did not receive emails, communications between Parent and staff, and telephone and voicemail logs regarding: a proposal to move Student to smaller classes; a suspension and related damage assessment conducted by local police; incidents involving Student's cell phone being taken away, vaping, and a physical altercation with another student at Middle School 1; and, Student's transfer from Middle School 1 to Middle School 2. *Interview with Parent*; *see Exhibit H*, pp. 21-23, 26-28. Parent is also concerned that he did not receive complete attendance records from Middle School 1 between August 2022 and May 2024. *Interview with Parent*.
20. Parent requested these materials so that he could gain a complete understanding of Student's mental health challenges, which began when Student attended Middle School 1, and therefore better advocate for Student going forward. *Id.*

First Request

21. On October 7, 2025, Parent made a request to District, through multiple emails, for five categories of materials from August 1, 2025 through October 10, 2025 (the “First Request”):

- “All emails, memos, and directives authorized by or sent to [School Special Education Secretary (“Special Education Secretary”), School Assistant Principal, School Principal, or Deputy Superintendent] referencing or instructing ‘centralizing parent communication,’ limiting/rerouting parent access, or ‘shielding’ staff;”
- “Voicemail logs and call records for [Special Education Secretary] reflecting [Parent’s] documented calls and messages during this period;”
- “Draft IEPs, internal notes, service logs, and audit histories in Enrich/Infinite Campus/PowerSchool (including user IDs, timestamps, and descriptions of edits);”
- “Administrative directives, policy drafts, and calendar/scheduling entries related to IEP scheduling/management for [Student or Student’s sibling];” and
- “Any other responsive materials—including metadata—covered by [Parent’s] FERPA and [Colorado Open Records Act (“CORA”)]⁴ requests.”

Exhibit H, pp. 299-300; *Exhibit 4*, p. 1; *Response*, p. 2.

22. Later on October 7, 2025, District responded to Parent by acknowledging his First Request, emphasizing that District “values [Parent’s] meaningful participation as a member of the IEP team and is committed to providing materials necessary to support that participation,” and stating that “[d]ocumentation will be provided to [Parent] by 5:00 pm on Friday, October 10, 2025.” *Exhibit H*, pp. 342-343.

23. In this response, District also confirmed that the October 9 IEP meeting would be postponed. *Id.* at p. 343; *see Exhibit 4*, p. 1. The IEP meeting was postponed because providing the requested records before the meeting would have been unmanageable given the one-day turnaround between Parent’s October 7 request and the October 8 deadline by which he asked to receive the records. *Interviews with Director and Assistant Director; Response*, p. 2.

⁴ On October 7, 2025, Parent made a separate request for *public records* under CORA but acknowledged that he had requested *education records* “separately under FERPA/IDEA.” *Exhibit H*, pp. 310-311. District handled Parent’s CORA and FERPA/IDEA requests separately. *Id.* at p. 308 (“Please note that all materials requested through CORA will be provided to you through the CORA process.”). Indeed, because records production requirements under the IDEA are separate and distinct from CORA requirements, and CDE does not have jurisdiction over CORA, this decision does not address Parent’s requests under CORA.

24. On October 10, 2025 at 4:15 PM, District provided to Parent “[d]raft IEPs, service logs, and audit histories in Enrich/Infinite Campus/PowerSchool for [Student] from Aug 1 – Oct 9, 2025.” *Exhibit H*, p. 308. These materials were provided to Parent as email attachments. *Id.*
25. Regarding emails Parent requested, District provided the one email it identified as responsive to Parent’s request. *See id.*; *Interview with Director*. District also notified Parent that “staff email is not maintained as an educational record.” *Exhibit H*, p. 292.
26. Regarding the requested voicemail logs and call records, District provided a “Personal Learning Plan” contact log (“PLP Log”) to Parent. *Interview with Director*; *see Exhibit H*, p. 308. This PLP Log summarizes all instances of documented communication—such as phone calls and voicemails—between District staff and Parent. *Interview with Director*. The PLP Log also includes general communications from Student’s teachers to students and parents. *Id.* District does not retain copies of voicemail messages, so the voicemail messages themselves were not available to provide to Parent. *Id.*
27. Regarding “administrative directives, policy drafts, and calendar/scheduling entries related to IEP scheduling/management” for Student, District provided copies of calendar invitations and communications regarding scheduling of IEP meetings and notices of meetings. *Id.*; *see Exhibit H*, p. 308.
28. District provided to Parent all materials that it identified as responsive to Parent’s First Request, and Parent acknowledged that District’s production was “detailed” regarding records from School between August and October 2025. *Interviews with Director and Parent*.

Second Request

29. On October 22, 2025, Parent made another request to District, through multiple emails, for “all educational records, notes, drafts, service logs, communications, and audit data pertaining to [Student]” from August 2023 through present (October 22, 2025) (the “Second Request”). *Exhibit H*, pp. 247-249.
30. On October 23, 2025, the IEP team rescheduled Student’s IEP meeting for November 4, 2025. *Id.* at pp. 258, 261.
31. District responded to Parent on October 24, 2025, stating that a draft IEP and Student’s “educational record will be provided to you ahead of the [November 4, 2025 IEP meeting] for your review.” *Id.* at p. 261.
32. On October 27, 2025, District contacted Parent to confirm receipt of the Second Request and to explain that it would handle requested “communications” as a CORA request but would handle his other requests through the Director and FERPA. *Id.* at p. 255.

33. On October 28, 2025, Parent specified that his request for “communications” was “limited to communications specifically about or concerning [Student], maintained by the District in any format, including but not limited to:

- Emails exchanged among teachers, administrators, counselors, or service providers referencing [Student’s] education, IEP, accommodations, services, discipline, progress, attendance, or behavioral supports;
- Internal messages, memoranda, or meeting notes discussing his academic or behavioral status;
- Phone logs, voicemail transcripts, or text/electronic messages exchanged by District personnel concerning [Student];
- Incident, discipline, or office referrals and any follow-up communications between staff, administrators, or parents;
- Records of parent-school communications regarding [Student’s] education, services, or participation in programs; and
- Any other written, electronic, or recorded communications that directly identify or describe [Student], his educational program, or the services provided to him.”

Id. at p. 235.

34. On October 30, 2025, District provided ten attachments worth of material to Parent through a series of three password-protected emails. *Id.* at p. 134. District also offered for Parent to pick up a hard copy of materials, which he did on November 4, 2025. *Id.* at p. 24; *Interview with Parent*; see *Exhibit 9*, 0:14:00-0:15:01.

35. The first production sent to Parent on October 30 included: IEPs, Enrich audit logs, and service logs from August 2023 to October 2025. *Exhibit H*, pp. 135-179. The second included: enrollment information, a contact log, and emails from October 2024 through May 2025. *Id.* at pp. 180-231. The third included: emails from September 2025 through October 2025. *Id.* at p. 232.

36. Since District does not maintain email communications as education records, Director worked with District’s technology department to collect emails sent either to or from Parents and internal emails between staff concerning Student. *Interview with Director*. Director provided a copy of Parent’s request directly to the technology department, and technology staff used the language of the request to formulate a search query and to collect responsive emails. *Id.*

37. Because District’s server only maintains emails for the last 13 months, District only had access to emails starting at September 2024. *Id.* Therefore, under this protocol, District did not have

access to and could not provide email communications from Student's sixth and seventh grade years at Middle School 1 between August 2022 and May 2024. *Id.*

38. After Director reviewed and, as necessary, redacted the emails collected from September 2024 to October 2025, District provided all responsive emails to Parent. *Interview with Director; see Exhibit H*, pp. 180-232.
39. As part of this production, District also sent an updated PLP Log for the requested period to reflect documented contact between School and Parent. *Id.*
40. Regarding behavioral and disciplinary records, District sent summaries of recorded disciplinary incidents, detentions, and suspensions and a "behavior detail report" for the one disciplinary incident noted in Student's file. *See Exhibit H*, pp. 182, 195, 211.
41. This production also included complete attendance and behavior records from Middle School 1 for the 2022-2023 and 2023-2024 school years. *Exhibit H*, pp. 165-179, 181-193.

Third Request

42. Finally, on October 31, 2025, Parent made a request for "all educational and administrative records, communications, and internal memoranda referencing [Student from August 2022 to October 2025, including but not limited to:] emails, disciplinary referrals, staff correspondence, law enforcement interactions on campus, behavioral notes, and documentation of any administrative decisions or actions taken in response." *Id.* at p. 130.
43. Later on October 31, 2025, District provided "additional records for [Student] as requested" to account for the expanded timeframe of Parent's request, and four Board policies on records retention, electronic communication, privacy and protection of confidential information, and staff use of Internet and technology. *Id.* at p. 30; *Interview with Director*.
44. District sent any materials responsive to the expanded Third Request but otherwise "did not have new records to send to [Parent] other than what [District] had already sent him." *Interview with Director*.
45. On November 4, 2025, Parent picked up a hard-copy binder of materials produced by District. *Interviews with Parent and Director; see Exhibit H*, p. 24. The binder includes 20 tabbed sections of materials, such as: IEP records; initial IEP records from March 5, 2025; transition IEP records from April 23, 2025; progress reports; Notices of Meetings from October 9, 2025 and November 4, 2025; IEP drafts; Enrich audit logs; service logs; enrollment; schedule, attendance, class, and grade information for seventh, eighth, and ninth grade; behavior logs; medical information; contact logs; and emails from October 2024 to October 2025. *Interview with Parent*.

November 4, 2025 IEP Meeting

46. Student's IEP Team, including Parent, proceeded with Student's November 4, 2025 IEP meeting. *See Exhibit 9.*
47. At the beginning of the meeting, consistent with District policy, Director read Parent his procedural safeguards, including his rights related to records requests. *Id.* at 0:05:00-0:0900.
48. Parent characterized his participation in this meeting as "under protest" because he was concerned that District had not yet produced all requested records. *Id.* at 0:00:01-0:02:30; *Interview with Parent.*
49. District told Parent that it had produced all educational records. *Interview with Director; see Exhibit 9, 0:11:51-0:12:38* ("Yes, all special education record were provided to you ahead of this meeting"); 0:14:30-0:15:01 ("You have been provided with all of [Student's] educational records.").
50. The IEP team, including Parent, discussed Student's present levels of achievement and potential accommodations for athletics. *Exhibit 9, 0:23:00-1:22:00.* The meeting resulted in an amended IEP dated November 4, 2025. *See Exhibit A, pp. 45-64.*

D. Parent's Requests to Amend Education Records

51. Parent is concerned that District denied his requests to amend two documents: (1) an October 7, 2025 letter ("October 7 Letter"), and (2) an October 10, 2025 letter ("October 10 Letter"). *Complaint, pp. 14-16; Interview with Parent.*
52. On October 8, October 16, and October 25, 2025, Parent sent emails to District requesting the correction of the October 7 Letter. *Exhibit H, pp. 257-258, 303-304, 330.* Parent raised concerns with the following language: "[Y]ou requested the IEP meeting scheduled for October 9, 2025 be postponed. This is an additional meeting, per your request; therefore, this meeting can be rescheduled at your convenience." *Id.* at p. 316; *Interview with Parent.*
53. Parent requested that District either "withdraw" or "issue a corrected" PWN to clarify that the referenced October 9, 2025 IEP meeting was mandatory rather than "additional," "parent-requested," or "extra" and that Parent did not request the postponement but rather was forced to postpone the meeting because District had not yet provided complete records. *Exhibit H, pp. 257-258, 303-304, 330; Interview with Parent.*
54. Assistant Director sent the October 7 Letter to Parent as an email attachment. *Exhibit H, pp. 316, 333.* District erroneously labeled this letter a PWN per District's then-practice of labeling any formal letters as PWNs. *Interviews with Director and Assistant Director; Response, p. 3; see Exhibit H, p. 316.*

55. The October 7 Letter does not involve a proposal to initiate or change Student’s identification, evaluation, or educational placement or the provision of FAPE. *Id.* Instead, the October 7 Letter addresses Parent’s First Request for records and scheduling logistics. *Exhibit H*, p. 316. Moreover, District did not upload the October 7 Letter to Student’s special education file on Enrich or to his cumulative record. *Response*, p. 3; *Interviews with Director and Assistant Director*. As such, the CDE finds that the October 7 Letter is an email rather than a PWN. *See Response*, p. 3.
56. Regarding the October 10 Letter, Parent sent two emails to District on October 16, 2025 requesting a correction. *Exhibit H*, pp. 297, 303. Parent took issue with the following language: “[p]er your request, the IEP meeting that was scheduled for October 9, 2025 was cancelled.” *Id.* at pp. 303, 308. From Parent’s perspective, he did not “cancel” the meeting; instead, he required postponement due to District’s alleged non-compliance with his records requests. *See id.* at pp. 303-304; 342-343; *Exhibit 4*, p. 1; *Interview with Parent*.
57. Parent requested that District “issue a corrected written statement” clarifying that the “October 9 IEP meeting was postponed due to the District’s failure to produce records prior to the meeting, not cancelled at parent request” *Exhibit H*, p. 304.
58. Director sent the October 10 Letter to Parent as an email attachment. *Exhibit H*, pp. 307-308. This email was not labeled as a PWN. *Id.*
59. District did not upload the October 10 Letter to Student’s special education file on Enrich, did not maintain it in Student’s hard-copy special education file, and did not otherwise maintain this document in Student’s cumulative record. *Interviews with Director and Assistant Director; Response*, p. 4; *Exhibit H*, p. 292.
60. On October 20, 2025, District responded to Parent’s amendment requests by noting that “staff email is not maintained as an educational record under FERPA, and email correspondence is not editable in a way that traditional education records can be corrected.” *Exhibit H*, p. 292.
61. District has not amended the October 7 and October 10 Letters. *See id.*; *Interviews with Director and Assistant Director*.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: District afforded Parent an opportunity to inspect and review Student’s education records after Parent’s requests and before any IEP meeting, as required by 34 C.F.R. §§ 300.501 and 300.613. District complied with the law.

Parent is concerned that District did not provide Student’s education records consistent with his three requests. (FF #s 18-19). Parent is specifically concerned that District did not produce emails,

communications from staff, voicemails, and disciplinary and attendance records from Student's enrollment at Middle School 1 and Middle School 2 from August 2022 to May 2025. (FF # 19).

A. The Right to Inspect and Review Education Records

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). Thus, 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.*

The IDEA borrows the definition of "education records" from FERPA. 34 C.F.R. § 300.611(b). Under FERPA, "education records" are "those records, files, documents, and other materials which: (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a party acting for the agency or institution." *Id.* § 99.3.

B. Emails as Education Records

As an initial matter, the CDE must determine whether the emails requested by Parent are "education records" such that District had an obligation to produce them before the November 4, 2025 IEP meeting and within 45 days of the requests under 34 C.F.R. § 300.613(a). (FF #s 21, 29, 33, 42).

Neither the IDEA nor FERPA indicate whether email correspondence regarding a student constitutes an education record. However, the U.S. Supreme Court has held that "[t]he word 'maintain' suggests FERPA records will be kept in a filing cabinet in a records room at the school or on a permanent secure database." *Owasso Indep. Sch. Dist. No. 1-001 v. Falvo*, 534 U.S. 426, 432-33 (2002). Recently, the Nevada Supreme Court held that for a document to be an education record, it "must be an institutional record stored in a designated place that is, typically, overseen by a designated individual responsible for maintaining such records." *Clark Cnty. Sch. Dist. V. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 2025 WL 3438172 at *3 (Nov. 26, 2025) (finding that emails saved to a district's Google Workspace platform were not "educational records" under FERPA). Under this definition, an email is only an education record if it relates to the student and is "deliberately stored by the records custodian as part of that student's records." *Id.* ("We emphasize that deliberate action to store such emails as institutional records is critical. The school district thus ultimately decides what materials constitute institutional records that are a part of a student's record and then ensures that those materials are protected and preserved.").

Other lower courts that have considered the issue have also found that ordinary emails are not education records. *See Burnett v. San Mateo-Foster City Sch. Dist.*, 739 F. App'x 870, 873 (9th Cir. 2018) (holding that only emails that were printed and added to student's physical file or maintained in a secure database constituted education records under FERPA); *S.A. v. Tulare Cnty.*

Off. of Educ., 53 IDELR 143, at *6 (E.D. Cal. Oct. 6, 2009) (“[E]mails that are not in Student’s permanent file are not ‘maintained’” by the school district for purposes of FERPA).

Therefore, emails only constitute an education record under FERPA or the IDEA where the district takes some deliberate action to maintain that record. That is because “[e]mails have a fleeting nature. An email may be sent, received, read, and deleted within moments.” *E.D. v. Colonial Sch. Dist.*, 69 IDELR 245, at *10 (E.D. Penn. Mar. 31, 2017) (finding emails related to student were “casual discussions, not records maintained by [school district]” as part of its record filing system, and therefore not subject to FERPA). If a district were to actively add an email to a student’s file—either in hard copy or electronically—that email may constitute an education record under FERPA and the IDEA. *See Burnett*, 539 F. App’x at 873; *S.A.*, 53 IDELR 143, at *6. On the other hand, a district’s mere possession of emails identifying a student, “whether in individual inboxes or the retrievable electronic database,” does not equate to “maintain[ing] in the same way the [district] maintains a student’s folder in a permanent file.” *S.A.*, 53 IDELR 143, at *6.

Consistent with this case law, the CDE has repeatedly concluded that emails not maintained by a school district in a student’s record are not education records under FERPA or IDEA. *See Pueblo Sch. Dist. 60*, 124 LRP 34371 (SEA CO 9/30/23); *Denver Pub. Schs.*, 124 LRP 34401 (SEA CO 2/09/24); *Adams 12 Five Star Schs.*, 124 LRP 15414 (SEA CO 5/2/24).

Here, District does not maintain email communications in any student’s cumulative or special education file. (FF #s 9-12). Instead, under its Records Policy, District maintains information related to student identity, academic work, test scores, attendance, health and medical information, family background information, teacher observations, “reports of serious or recurrent behavior patterns,” and IEP documentation as education records. (FF # 7). In response to Parent’s requests for email records, District alerted Parent to this practice: “Please note that staff email is not maintained as an educational record.” (FF #s 11, 25, 60). For Student, District did not add emails to Student’s cumulative record nor to his special education file. (FF #s 11-12, 25, 36). Because District does not deliberately store emails as records in student files and did not for Student, the CDE finds and concludes that the emails requested by Parent are not “education records.” (*See* FF #s 11-12, 25, 36, 55, 59-60). Therefore, District was under no obligation to produce emails to Parent. (*See* FF #s 11-12, 36). Nonetheless, District went above and beyond its obligations under IDEA to provide emails to Parent in response to his requests. (FF #s 36-38). District only had access to 13 months of emails—from October 2025 to September 2024—per its retention policy. (FF #s 12, 37-38). District collected and provided all available emails to Parent by October 31, 2025 and before the November 4, 2025 IEP meeting. (FF #s 34-38).

For these reasons, the CDE finds and concludes that Parent’s requests for emails do not implicate the requirements of 34 C.F.R § 300.613 and, in any event, that District provided all responsive emails to Parent. (FF #s 11-12, 34-38).

C. Parent’s Requests to Inspect and Review Student’s Education Records

Here, Parents made three requests for records. (FF #s 18, 21, 29, 42).

i. First Request

The First Request occurred by email on October 7, 2025 when Parent requested five categories of materials from between August 1, 2025 and October 10, 2025. (FF # 21). The emails requested by Parent are not education records, but the other requested materials constitute education records. (FF #s 7-11, 21). District was required to respond to the First Request before any meeting regarding Student's IEP or, in any case, by November 21, 2025. See 34 C.F.R. § 300.613(a).

On the day of Parent's First Request, October 7, 2025, District confirmed that Student's IEP meeting, scheduled for October 9, 2025, would be postponed given the request. (FF #s 22-23). On October 10, 2025, District provided Parent the requested records via email. (FF # 24). These records included: draft IEPs; service logs; audit histories from Enrich, Infinite Campus, and PowerSchool; the only email responsive to Parent's specific request; a PLP Log documenting all communication between home and School, such as phone calls, voicemails, and written messages from Student's teachers; and, any documents related to IEP scheduling from between August 1, 2025 and October 9, 2025. (FF #s 24-38). Parent expected to receive copies of actual voicemail messages, rather than a summary log of voicemails, but District does not maintain voicemail messages as education records. (FF # 26). Nothing in the Record shows that any information was missing or otherwise maintained and not provided in response to the First Request, and Parents had no specific concerns with the response to the First Request. (FF #s 21-28).

For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a) regarding the First Request.

ii. Second Request

The second request occurred by email on October 22, 2025 when Parent requested "all educational records, notes, drafts, service logs, communications, and audit data pertaining to [Student]" from August 2023 through October 22, 2025. (FF #s 29, 33). To the extent "notes," "drafts," or "communications" refer to emails, these materials are not education records; otherwise, the requested materials constitute education records. (FF #s 7-11). District was required to respond to the Second Request before any meeting regarding Student's IEP or, in any case, by December 6, 2025. See 34 C.F.R. § 300.613(a).

On October 23, 2025, District scheduled Student's IEP meeting for November 4, 2025. (FF # 30). The next day, District confirmed that it would produce materials responsive to the Second Request "ahead of" the IEP meeting for Parent's review. (FF #s 31-32). On October 30, 2025, District provided Parent the requested records via ten password-protected email attachments. (FF # 34). District also offered a hard-copy binder of materials, which Parent picked up before the November 4 IEP meeting. (FF # 34). These records included IEP documents and drafts; Enrich audit logs; service logs; an updated PLP Log; attendance records; behavioral and disciplinary records; and, emails from October 2024 through October 2025. (FF #s 34-41). To the extent

District had already provided materials in response to the First Request, it provided updated documentation to account for the expanded timeframe of the Second Request. (FF # 39). Nothing in the Record shows that any information was missing or otherwise maintained and not provided in response to the Second Request. (FF #s 29-41).

For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a) regarding the Second Request.

iii. Third Request

The Third Request occurred by email on October 31, 2025 when Parent requested “all educational and administrative records, communications, and internal memoranda” referencing Student, including: “emails, disciplinary referrals, staff correspondence, law enforcement interactions on campus, behavioral notes, and documentation of any administrative decisions or actions taken in response” from August 2022 to October 2025. (FF # 42). The requested “emails,” “staff correspondence,” “law enforcement interactions on campus,” and “documentation of any administrative decisions or actions taken in response,” do not constitute education records because District does not maintain such information as records. (FFs 7-13). To the extent Parent’s request implicates behavioral and disciplinary records about Student maintained by District, these materials are education records. (FF # 13). Additionally, to the extent “staff correspondence” refers to communication logs between Parent and School, those materials are maintained as education records. (FF # 7). District was required to respond to the Third Request before any meeting regarding Student’s IEP or, in any case, by December 15, 2025. See 34 C.F.R. § 300.613(a).

On October 31, 2025, District provided “additional records” to Parent by email to account for the expanded timeframe of the Third Request. (FF #s 43-44). District also provided Board policies regarding its data and records retention practices. (FF # 43). Otherwise, by this point, District had already provided complete education records to Parent. (FF # 44). Indeed, District sent all behavioral and disciplinary records that it maintained to Parent on October 30 in response to his Second Request. (FF # 40). Nothing in the Record indicates that Student had “serious or recurrent behavior patterns” such that other disciplinary referrals or behavioral notes would exist. (FF # 13, 40). If such material existed and was maintained, District provided it. (FF # 40).

On November 4, 2025, before the IEP meeting held later that day, Parent picked up a hard-copy binder of all materials District produced in response to his requests. (FF # 34). While Parent might not have been able to review the entire physical binder before the November 4, 2025 meeting, the Record nonetheless shows that District provided him all responsive material by October 31, 2025, giving Parent four days to review material. (FF #s 44, 49, 50).

For these reasons, the CDE finds and concludes that District complied with 34 C.F.R. § 300.613(a) regarding all records requests.

Conclusion to Allegation No. 2: Parent did not request the amendment of Student’s “education records.” Therefore, District was under no obligation to amend inaccurate or misleading information under 34 C.F.R. §§ 300.618 and 300.619. District complied with the law.

Parent is concerned that District did not amend the October 7 and October 10 Letters following his requests for amendment. (FF #s 51-53, 56-57).

The IDEA establishes a procedure by which parents can request amendment of a student’s educational records. 34 C.F.R. § 300.618. Specifically:

[a] parent who believes that information in the education records collected, maintained, or used . . . is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency that maintains the information to amend the information.

Id. § 300.618(a). If a parent requests an amendment, the school district must decide “within a reasonable period of time” whether to amend the information. *Id.* § 300.618(b). If the school district declines to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing. *Id.* § 300.618(c).

Here, the CDE must first determine whether the October 7 and October 10 Letters are “education records” such that the procedures of 34 C.F.R. § 300.618 apply. As established in Section 1(b) above, emails are only considered “education records” under IDEA if a district takes affirmative steps to maintain the emails, such as by saving emails to a student’s physical or digital file. See Section 1(b). Otherwise, ordinarily emails are not education records under FERPA or IDEA. *Id.*

District sent the October 7 and October 10 Letters as email attachments to Parent. (FF #s 54, 58). District did not take any affirmative steps to maintain the Letters: District did not include the Letters in Student’s special education file on Enrich, his physical special education file in the School building, or his cumulative special education record maintained on Infinite Campus. (FF #s 55, 59). Indeed, consistent with District’s practice of not maintaining emails as student education records, District responded to Parent’s requests by stating that “staff email is not maintained as an education record” and “is not editable in the way that traditional education records can be corrected.” (FF #s 11-12, 60). Therefore, the October 7 and October 10 Letters are ordinary emails rather than education records. (FF #s 54-55, 58). Because Parent did not request the amendment of “education records,” District was under no obligation to respond to Parent’s requests under 24 C.F.R. §§ 300.618 and 300.619. (FF # 61). For these reasons, the CDE finds and concludes that District complied with the IDEA.

REMEDIES

The CDE concludes that District complied with the requirements of IDEA. Accordingly, no remedies are ordered.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *CDE's State Complaint Procedures*, Section E, ¶ 2. If either party disagrees with this Decision, the filing of a Due Process Complaint is available as a remedy provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *Id.*; *see also* 34 C.F.R. § 300.507(a); 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 2nd day of February, 2026.

A handwritten signature in blue ink that reads "Elizabeth Stonehill". The signature is written in a cursive style and is centered within a light blue rectangular box.

Elizabeth "EP" Stonehill
State Complaints Officer

APPENDIX

Complaint, pages 1-14

- Exhibit 1: September 2025 Scheduling Documentation
- Exhibit 2: October 2025 Scheduling Documentation
- Exhibit 3: October 2025 Communications
- Exhibit 4: 2025 Record Request Documentation
- Exhibit 5: Supporting Documentation
- Exhibit 6: District Documentation
- Exhibit 7: Human Resources Documentation
- Exhibit 8: Notices of Meetings and IEP
- Exhibit 9: Recording of November 4, 2025 IEP Meeting

Response, pages 1-10

- Exhibit A: IEPs
- Exhibit B: Notices of Meetings
- Exhibit C: N/A
- Exhibit D: N/A
- Exhibit E: N/A
- Exhibit F: District Calendar
- Exhibit G: District Policies and Procedures
- Exhibit H: Correspondence
- Exhibit I: N/A
- Exhibit J: Delivery Verification

Telephone Interviews

- District Director of Special Education: January 6, 2026
- District Assistant Director of Special Education: January 6, 2026
- Parent: January 12, 2026