

Issue/Holding: When a district fails to disclose a child's records in a timely manner, the district a procedural The Individuals with Disabilities Education Improvement Act (IDEIA) requires that parents be given the right to effectively participate in the development of their child's Individualized Education Plan (IEP). When a school district denies parents the right to participate effectively in the development of their child's IEP, the district is failing to provide a child a free appropriate public education (FAPE). Procedural violations that interfere with the parents' right to participate in the formation of their child's IEP "undermines the very essence of the IDE[IA]." An IEP, which addresses the unique needs of child, cannot be developed fully without the participation of the parents who are the people most familiar with the child. Therefore, a district is denying a child FAPE by failing to disclose a child's records to the parents.

Rule: The decision in this case regarding FAPE was based on analysis and holding of *Board of Educ., v. Rowley*, 458 U.S. 176 (1982), as well as 34 C.F.R. § 300.562(B)(2) (1995).

To determine whether a child has received a free appropriate education the court must determine first, whether the district complied with the procedures set forth in IDEIA, second, the state must determine whether the IEP was developed in a way as to enable the child to receive education benefits. *Rowley*, 458 U.S. 176. A school districts to provide assessment records to a parent is a procedural violation that inhibits the parents inspect and review the. 34 C.F.R. § 300.562(B)(2).

Facts/Application:

Amanda was evaluated by a psychologist and a speech pathologist through Clark County School District in Nevada. Both evaluation reports indicated the child demonstrated autistic-like characteristics, and that further assessments were needed. The parents requested all reports of assessments and recommendations, but did not receive any report until after the initial IEP meeting. After the initial IEP meeting the parent were given a two-page summary of the evaluation reports, which did not indicate any concern of autism. As a result, Amanda only received special education services to address here developmental delays and neglected any of her autistic-like needs.

The parents did not receive any of the assessment records reporting that their child had demonstrated autistic-like characteristics until a year later when they moved to California. The California school district requested the child's records, from the prior school district, which included the assessment reports indicating possible autism. Amanda went for a year without any services to address her autism needs. The parents requested a due process hearing alleging that the district denied their child FAPE by not disclosing, to the parents, the child's evaluation reports, and not offering the appropriate services.

The Supreme Court in this case, when determining whether Amanda was denied FAPE, looked to the *Rowley* holding as well as 34 C.F.R. § 300.562. The court found that the school districts failure to disclose the assessment reports indicating Amanda's autistic-like behaviors, Amanda's parent the right to participate in the development of Amanda's IEP led to Amanda receiving an IEP that did not provide appropriate services for her unique education needs, thereby denying FAPE.