STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
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NASHVILLE, TN 37243-0380

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TIMOTHY K. WEBB, Ed.D.
ACTING COMMISSIONER

MEMORANDUM

TO: Directors of Special Education

FROM: Bill Wilson, Attorney BW

DATE: March 14, 2008

RE: Grade Cards and Records

The purpose of this memorandum is to clarify whether a child with a disability may be denied educational records, including grade cards, because of debts owed to a local education agency.

Tennessee Code Annotated §49-3-310 provides that local education agencies may promulgate rules to allow withholding of all grade cards, diplomas, certificates of progress, or transcripts until restitution is made for a lost or damaged textbook. Tennessee Rules & Regulations §0520-1-3-.03 (13) provides that local education agencies may withhold all grade cards, diplomas, certificates of progress, or transcripts of a student who has taken property which belongs to a local education agency, or has incurred a debt to a school, until restitution is made.

Federal regulations at 34 C.F.R. §300.613 provide that parents of children with disabilities must be permitted to inspect and review records relating to their children and to request copies of the records if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records.

Based on the federal special education regulation cited above, a child with a disability who owes a debt to a local education agency should not be denied a copy of his/her educational record, including but not limited to grade cards, diplomas, transcripts, IEP, progress reports, etc. Such a denial constitutes a denial of a free appropriate public education as mandated by the Individuals with Disabilities Education Act at 20 U.S.C. §1400, et seq.