



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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PUBLIC INSTRUCTION

MEMORANDUM

To: Intermediate and Local Special Education Directors

From: Jacquelyn J. Thompson, Ph.D., Director
Office of Special Education and Early Intervention Services

Re: Transmittal of Special Education Records to the Michigan Department
of Corrections

Date: May 15, 2007

The Michigan Department of Corrections (DOC) has requested that the Michigan Department of Education (MDE), Office of Special Education and Early Intervention Services (OSE/EIS) assist the DOC to obtain special education records in a prompt manner.

Please be reminded of Section 300.323(g) of the Individuals with Disabilities Education Act (IDEA) which states:

(g) Transmittal of records. To facilitate the transition for a child described in paragraphs (e) and (f) of this section—(1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and (2) The previous agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

The OSE/EIS is requesting that all districts "take reasonable steps to promptly respond" when the DOC or any other district or agency attempts to obtain student records. Compliance with the law is imperative; supporting the educational interests of students is fundamental.

If you have questions you may contact Ann Omans, Supervisor, Program Accountability, at (517) 373-1319.

OSE/EIS 07-04

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