

Documenting Your File In Special Education Disputes With Your Child's School



Documenting Your File - Revised March 2006.
in Special Education Disputes with Your Child's School

It is critical that you, as the parent, keep a record of verbal and written correspondence relating to a your child's special education and testing.

In those instances in which the school violates the Individuals with Disabilities Education Improvement Act--IDEIA--your record is crucial in winning due process complaints you file. It is the party with the most helpful evidence who will win. Therefore, from the very beginning of this process you must be creating that evidence in case you need it later. The process of doing this is commonly called Documenting. Here is what to do.

Save a Copy Of Every Piece of Paper You Get That is Related to the Case

- * Notes from the School.
- * Letters from the School or Special Education people.
- * Letters or notes from doctors.
- * Copies of your child's evaluations or IEPs--Individualized Education Programs.
- * Anything else that is relevant to your child.

Make Sure That You Make All Requests in Writing and That You Keep a Copy

- * Include the date of your request.
- * Include how you delivered your request--by mail, by fax, by hand.
- * For time sensitive requests, such as requests for evaluation, send by certified mail. Save your receipts.

Keep Notes of Every Phone Conversation You Have Relating to the Case

- * With date and time of your call.
- * Person with whom you were speaking.
- * Details of what was said.
- * If something important is said, follow up the phone call with a letter which includes your memory of the conversation and request the other party contact you if they disagree.

Keep Notes of Every Meeting You Attend Relating to the Case

- * Time and date of the meeting.

- * All people attending.
- * Planned purpose of meeting.
- * What actually gets discussed.
- * Any agreements reached. Most meetings reach some kind of agreement, even if it is only an agreement to meet again, or an agreement that you can't agree. Do not leave the meeting until you are sure you are clear about what the agreement is. If an important agreement is reached during a meeting, write a letter which contains your understanding of that agreement. Send this letter to all of the parties at the meeting, asking them to contact you if they do not agree with your understanding.

Be As Organized As Possible

- * Keep all these items, facts and papers together.
- * Try to keep the most recent information someplace where you can find it easily.
- * Pick an organization system that works for you and do it consistently so you can find the documents that you want when you need them.

We don't know anyone who manages to do this every time on every file, however, the closer you come the better the end result will be.

We have also noticed that consistent documentation not only gives you better evidence to use if you file a complaint, but it also helps you to pay better attention during the case. In other words, documenting your file will make you a better advocate even if you never have to go to court.

Notice

Prepared by Missouri legal aid lawyers. Acknowledgment is given to Children's Legal Alliance, the source of much of this material. March, 2006. Sometimes the laws change. We cannot promise that this information is always up-to-date and correct. If the date above is not this year, call us to see if there is an update.

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