(b)(6)

AUG 18 2009

This is in response to your May 25, 2008, letter to this Office in which it appears you are alleging that the (b)(6) (District) violated FERPA when it failed to amend the education records of your son, (b)(6) Student), in response to your request. Specifically, it appears you are alleging that the District failed to include on the Student's transcript credits which the Student earned through the American School. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Under FERPA, a parent has the right to request that inaccurate or misleading information in his or her child's education records be amended. While a school is not required to amend education records in accordance with a parent's request, the school is required to consider the request. If the school decides not to amend the record in accordance with the parent's request, it must inform the parent of the right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the parent has the right to insert a statement in the record setting forth his or her views. That statement must be maintained with the record for as long as the record is maintained.

However, while the amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade or a substantive decision made by a school about a student. FERPA was intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments and decisions.

Based on the information in your letter, it appears that the District held a hearing to determine whether it was going to provide the Student with credit for the courses taken while he was a student at (b)(6) School during the 2000-2001 and 2001-2002 school years; and credit for courses the Student took through the American School during the 2004-2005 school year. It further appears the District conducted this hearing using the procedures outlined in the

FERPA regulations for hearings on amendment of education records. The hearing panel's substantive decision was that the District provide the Student with credit for the courses he took at (b)(6), but no credit for the courses he took through the (b)(6) School.

As indicated above, the focus of the FERPA amendment procedure is to provide a parent the opportunity to seek to amend inaccurately recorded information in his or her child's education record. The hearing at issue was held to determine whether the District was going to provide credits for certain courses the Student had taken, i.e., whether these credits were earned "in accordance with (b)(6) School Board Policies and Regulations." This hearing was not held to determine whether the Student's transcript was inaccurately recorded. Thus, the hearing held by the District was not a FERPA hearing, even though it appears FERPA amendment-like hearing procedures were used.

As you stated, the hearing panel provided the Student with credit for the courses taken at (b)(6) (b)(6) High School. If the District failed to add these credits to the Student's transcript, if that is the general procedure in such instances, you could seek to amend the Student's transcript under FERPA because the transcript would be inaccurately recorded. If the school failed to amend the transcript or offer you the opportunity for a hearing on the matter, you may write to this Office again.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concern.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office