(b)(6)

JAN 21 2009

Dear (b)(6)

This is to respond to your July 8, 2008, letter that was forwarded to this Office for response by the Department's Office for Civil Rights because you raise questions that appear to relate to the Family Educational Rights and Privacy Act (FERPA). This Office administers FERPA, which addresses issues pertaining 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" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. A FERPA guidance document for parents is enclosed for your information.

Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. A school is generally required to provide a parent with copies of education records when a failure to do so would effectively prevent the parent from obtaining access to their records. A case in point would be a situation in which the parent does not live within commuting distance to the school. Based on the information in your letter, it appears that you live within commuting distance to your son's school and it would be required to provide you an opportunity to inspect and review your records, though it could choose to give you copies as a means of providing you access.

In order to exercise your rights under FERPA, I suggest that you write to the school and make a request to review the specific education records that you believe the school maintains. Please refer to the enclosed FERPA guidance for further information about requesting access to education records. If the school denies or fails to provide you with access to the requested education records within 45 days of receiving your request, you may again write to this Office. At such time, please provide us with a dated copy of your request for access and evidence of the date when the school received your request, its response (if any), and a completed copy of the enclosed complaint form. At such time when this Office receives the completed form from you as discussed above, we will review the information you submit and take any appropriate action.

I trust this information is helpful in explaining the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Bernard Cieplak
Program Specialist
Family Policy Compliance Office

Enclosures