(b)(6)

JAN 0 8 2009

Dear (b)(6)

This is in response to your September 4, 2008, letter to this Office in which you allege that the (b)(6) (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it failed to amend the education records of your son, (b)(6) (Student), in response to your requests or offer you the opportunity for a hearing on the matter. This Office administers FERPA which addresses issues that pertain to education records.

Along with your letter to this Office, you included an August 15, 2008, letter you wrote to [redacted] principal of [redacted] School, where the Student attends school in the District. In your August 15 letter to [redacted] seeking amendment of certain of the Student's education records, you state:

> . . . I am requesting that the following changes be made to my [redacted] student records.
>
> 1. Removal of 2007-2008 school year class work from the cumulative file as it appears misleading and irrelevant and to not belong in the cumulative file which will follow my son to middle school.
>
> 2. Inclusion in the cumulative file of tests results for district wide and standardized testing for grade levels 1-3 as this information is presently missing form the file.

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. Enclosed for your information are a FERPA fact sheet and guidance document.

Under FERPA, a school is not generally required to maintain particular education records or education records that contain specific information. Rather, a school must provide certain privacy protections to those education records the school selects to maintain. Also, FERPA does not address the location where education records are maintained. If records are maintained by the school in a cumulative file or other location and directly related to a student, they are education records subject to FERPA. Also, a school may destroy education records without notice to the parent unless there is an outstanding request by the parent to inspect and review such education records.

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 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 a parent's request, the school 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, an opinion, 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.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. As indicated above, the FERPA amendment procedure is intended to permit a parent to seek to amend inaccurately recorded information in a student's education records. It does not permit a parent to amend information in the records the parent finds objectionable for some other reason. Based on the information in your letter, it does not appear that you are seeking to amend inaccurately recorded information in the Student's education records. Therefore, there is no basis for this Office to further consider your allegation.

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

Enclosures