(b)(6)

JAN 12 2009

Dear (b)(6)

This is in response to your September 25, 2008, letter to this Office in which it appears you are alleging that the [redacted] (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it failed to provide you access to the education records of your child, [redacted] (Student), in response to your request, and when the District did not amend information in the Student's education records in response to your request or offer you the opportunity for a hearing on the matter. 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. Enclosed for your information are a FERPA fact sheet, guidance document, and complaint form.

Under FERPA, a school is required to provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of a request. For additional information about a parent's right to have access to education records, please review the guidance document (beginning on page one).

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to this Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation. If, after reviewing the guidance document, you believe the District violated your right to have access to the Student's education records, please complete the enclosed complaint form, and include: the date you requested access to the Student's education records; the name of the official to whom your request was made; the response of that official, if any; and the specific nature of the education records requested. We will review the information you submit and take any appropriate action.

However, in order to exercise your right to access to your child's education records under FERPA, I suggest you write to the appropriate official in the District and request an opportunity to inspect and review the specific education records to which you are seeking access. Although it is not required, you may want to include a copy of this letter along with your request. If the District does not provide you access to the requested education records or fails to contact you within 45 days, you may contact this Office. At such time, please provide us with a dated copy of your request to the school, any response from the school, and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action.

Under FERPA, a parent has the right to request that inaccurately recorded information in his or her child's education records be amended. However, while the FERPA amendment procedure may be used to challenge facts that are misleading or inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. For additional information on a parent's right to seek to amend education records, please review the guidance document (beginning on page two).

Based on the information in your letter to this Office, it is not clear whether you have written to the District to request amendment of the Student's education records or whether your concerns are eligible for amendment under FERPA. In order to seek to amend inaccurately recorded information in the Student's education records, I suggest you write to the appropriate official in the District and request amendment of the inaccurately recorded information. Although it is not required, you may want to include a copy of this letter along with your request. Also, along with your request, you should include specific evidence to support your assertion that the information at issue is inaccurately recorded.

If the District does not amend the information as requested in a reasonable period of time or offer you an opportunity for a hearing on the matter, you may contact this Office. At such time, please provide us with a dated copy of your request to the school (along with your evidence that the information at issue is inaccurately recorded), any response from the school, and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action.

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

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures