(b)(6)

NOV 30 2009

Dear (b)(6)

This is in response to your September 17, 2009, letter to this Office in which you allege that the (b)(6) (District) failed to provide you access to the education records of your son, (Student), in response to your requests. This Office administers the Family Educational Rights and Privacy Act (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 is a FERPA guidance document.

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 the receipt of a request. A school is not generally required to provide a parent with copies of education records unless a failure to do so would effectively prevent the parent from obtaining access to the records. A case in point would be a situation in which the parent does not live within commuting distance of the student's school. Based on the information in your letter, it appears you live within commuting distance of the student's school. Therefore, the school is required by FERPA to provide you with an opportunity to inspect and review the Student's education records, though it is permitted to provide you with copies of the records instead.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. In addition to conducting investigations of alleged violations of FERPA, this Office also provides schools with technical assistance to ensure they are in compliance with or come into compliance with FERPA.

Attached is a copy of a letter of technical assistance to the District. If the District does not contact you to set up an appointment for you to inspect and review the Student's education records within three weeks of your receipt of this letter, you may contact this Office again.

There are some additional requirements for the education records of student who receive special education services under Part B. Although Part B is a Federal statute, it is administered by the States. If you wish to contact the organization responsible for administering Part B in your State, the address is as follows:

Deputy Commissioner for Vocational
and Educational Services for Individuals with Disabilities
New York State Department of Education
One Commerce Plaza, room 1606
Albany, New York 12234

I trust that the above information and described action are responsive to your request.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures