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NOV 16 2009

Dear (b)(6)

Thank you for your letter to President Barack Obama regarding accountability in education. We appreciate your views on this issue. The White House has referred your letter to the U.S. Department of Education, Family Policy Compliance Office (FPCO) for review and I am pleased to respond.

This Office administers the Family Educational Rights and Privacy Act (FERPA), which gives parents and eligible students the right to inspect and review the student's education records. The term "Education Records" is defined as those records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution.

FERPA does not require schools to create or maintain education records, or to re-create lost or destroyed education records. Additionally, FERPA does not require a school to keep education records in any particular file or location, and a school official would not be prohibited by FERPA from taking education records home, so long as the records are treated consistent with FERPA.

Based on the information above, no basis exists for this Office to assist you with your concerns. However, we are providing you with a guidance document on FERPA and if you have any further questions after reviewing the guidance document, you may contact us directly at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures