SEP 24 2009

(b)(6)

Dear (b)(6)

This is to respond to your August 28, 2009, letter to this Office in which you raise issues which relate to the Family Educational Rights and Privacy Act (FERPA). It appears that you believe that (b)(6) (College) violated rights afforded you under FERPA when it failed to respond to your September 10, 2004, request for access to your education records. You also provided this Office with a copy of your August 6, 2009, request for access to your disciplinary file to (b)(6) director of admission, at the College. This Office administers FERPA which addresses issues pertaining to education records.

FERPA is a Federal law that gives students the right to have access to their 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 are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Under FERPA, a school is required to provide a student with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request. A school is required to provide a student with copies of education records or make other arrangements for access when a failure to do so would effectively prevent the student from obtaining access to education records. A case in point would be a situation in which the student does not live within commuting distance to the school. It appears that you live within commuting distance of the institution where you were a student. Therefore, FERPA requires the institution only to provide you with an opportunity to inspect and review your education records, though it would be permitted to provide you with copies.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has failed to comply with 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 failure to comply with FERPA. Accordingly, your September 10, 2004, request to the College is untimely and this Office will not take any further action regarding this inquiry.

With regard to your August 2009 request for access, I contacted (b)(6) on September 19, 2009, to provide him with technical assistance regarding FERPA's 45 day access requirement. It is my understanding that the College will be in contact with you soon in compliance with FERPA. If the College fails to comply with FERPA as discussed above, you may write to this Office again.

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

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office