Honorable John Cornyn
United States Senator
Providence Towers
5001 Spring Valley Road
Dallas, Texas 75244

SEP 9 2009

Dear Senator Cornyn:

This is in response to your August 26, 2009, correspondence to the Office of Legislation and Congressional Affairs on behalf of your constituent, (b)(6) It appears that (b)(6) has contacted you to assist her in obtaining a response from this Office regarding issues she believes concern the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C §1232g; 34 CFR Part 99. Your correspondence was forwarded to this Office for response because we administer FERPA, which addresses issues that pertain to education records.

FERPA is a Federal law that generally protects student privacy interests with respect to education 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. FERPA 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.

This Office's enforcement process is intended to work cooperatively with school districts to achieve their voluntary compliance with FERPA's requirements. Following a review of the allegations and evidence submitted by a complainant, this Office may initiate an administrative investigation by sending the district and the complainant a notification letter about the allegation, and requesting a written response from the district concerning the allegation. If this Office then determines that a district is in violation of FERPA, the district and the complainant are so advised by a letter of finding which contains corrective actions to be taken by the district in order to come into compliance with FERPA. Such measures can include training of school officials or a memorandum advising school officials of the specific requirements at issue in the complaint. There is no basis under FERPA to require that a district take punitive or disciplinary action against an individual as the result of a FERPA violation. This Office closes its investigation when the district has completed the required corrective actions.

This Office received (b)(6) complaint on August 18, 2009, and it has been assigned to Ms. Jo Elaine Smith of my staff for response. Once we have had the opportunity to review her concerns, to determine their applicability to FERPA, we will take any appropriate action.

I trust that the above is responsive to your inquiry. Please do not hesitate to contact this Office directly should you have any additional questions. The name, address, and telephone number are as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington DC 20202-8520
202-260-3887

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office