(b)(6)

SEP 45 2009

Dear (b)(6)

This is in response to your May 19, 2009, letter to this Office in which it appears you are alleging that the (b)(6) (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it failed to amend information in the education records of your daughter, (b)(6) (Student), in response to your requests or afford you the opportunity for a hearing on the matter. This Office administers FERPA which addresses issues that pertain to education records. Other issues, as you have raised them in your letter, such as the individual classes or program of study in which the Student was placed in high school and possible violations of (b)(6) laws, are not addressed by FERPA and will not be discussed in this letter.

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. When a student turns 18 years of age or attends a postsecondary institution, the student becomes an "eligible student," and all rights transfer from the parent to the student. 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 and guidance document.

Under FERPA, a parent has the right to request that inaccurate or misleading information in his or her minor child's education records be amended. While a school is not required to amend records in accordance with a parent's request, the school is required to consider the request. If the school decides not to amend the record in accordance with the parent's request, the school must inform the parent of the right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the parent has the right to insert a statement in the record setting forth his or her views. That statement must be maintained with the record for as long as the record is maintained.

However, while the amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. FERPA was intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments.

Based on the information in your letter, it appears you are seeking to amend the Student's grades and the way the Student's grade point average was calculated, i.e., a substantive decision made by the District. As stated above, you may not seek to amend these items under FERPA. As such, there is no basis for this Office to assist you regarding your concerns.

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