Dr. Dave Allison
Superintendent
Gilbert Unified District
140 S. Gilbert Road
Gilbert, Arizona 85296

SEP 16 2009

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Dr. Allison:

This is in regard to the complaint filed by (b)(6) (Parent) against (b)(6) Unified District (District) under the Family Educational Rights and Privacy Act (FERPA). By letter dated January 17, 2007, we informed (b)(6), the former superintendent, of the Parent's allegation that the District violated § 99.10 of the FERPA regulations by denying her access to her son (b)(6) (Student) education records.

Specifically, the Parent alleges that in the end of July 2006, she telephoned (b)(6) Junior High School (School) and asked for copies of her son's immunization records. The individual with whom the Parent spoke informed her that "the school only releases information to the new school by written request and they would respond within 30 days, but would not release information to me due to their policy," and that she could not even view her son's file. The Parent further explained that when she spoke with the office manager she was informed that the School could not release the information to her even if she presented the School with an ID and that the School's policy is to "give out student information only to agencies by written request for purposes of enrollment, or to law officials."

By letter dated February 21, 2007, (b)(6) attorney, responded on behalf of the District explaining that the District is unable to confirm or deny what occurred in late July for the following reasons. First, the individual who held the attendance clerk position is no longer employed by the District and second, (b)(6) School does not have an Office manager. (b)(6) further states:

> If discussion occurred as alleged by [the Parent], the District is truly sorry. It is not a policy or practice of the District or (b)(6) High School to deny a parent access to their child's educational records, or refuse to copy records for a parent. As a result of [the Parent's] complaint, the District is going to ensure that the Attendance or Records Clerk at each school are directed to review Governing

> Board Policy (b) (6) and will emphasize the portion of Policy (b) (6) that pertains to a parent's right to access their child's own records.

Sections 99.10(a) and (b) state:

> Except as limited under § 99.12, each educational agency or institution shall permit a parent or eligible student to inspect and review the education records of the student.
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> * * * * *
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> The educational agency or institution . . . shall comply with a request for access to records within a reasonable period of time but not more than 45 days after it has received the request.

When an individual alleges that a violation of FERPA has occurred, the burden of proof rests with that individual(s). In this case, the District is unable to confirm or deny that a FERPA violation occurred. Moreover, the Parent did not provide evidence to support her allegation. Additionally, the District provided this Office written assurance that it understands and complies with the requirements of FERPA but will nonetheless, as a result of this complaint, ensure that employees are informed of FERPA's requirements relative to providing parents access to education records of their children. Given these circumstances and no evidence to the contrary, we find that the District did not violate FERPA as alleged. We are, therefore, closing this complaint and will so notify the complainant by copy of this letter.

Enclosed for your reference is a copy of the FERPA regulations that were revised in December 2008. Thank you for your cooperation with regard to this matter.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure

cc: Parent