UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

(b)(6)

SEP 2 0 2010

Dear (b)(6)

This letter is in response to the correspondence you sent to the U.S. Department of Education, Family Policy Compliance Office (FPCO). FPCO administers the Family Educational Rights and Privacy Act (FERPA), which affords parents and eligible students certain rights with regard to education records. Unfortunately, due to staff limitations and resources, we are unable to review the quantity of materials you provided. Thus, we are returning the documentation to you.

You indicate in your letter that you have been a student in the Medical Doctoral program at the University of (b)(6) Medical School (University). You also express concern that your rights under FERPA were violated. Specifically you allege: (1) the University did not allow you to start your third year of studies in 2008, (2) put you on mandatory immediate medical leave and required that you have a physical and psychiatric evaluation, (3) suspended you from school in 2009, (4) gave you an arbitrary and capricious grade in your neurology course, and (5) dismissed you from the University in 2010.

FERPA affords parents and eligible students the opportunity to seek amendment of their child's or their education records which they believe contain information that is inaccurate or misleading. While a school is not required to amend a record in accordance with the parent or eligible student's request, it is required to consider the request for amendment of an education record, to inform the parent or eligible student of its decision, and if the request is denied, to advise the parent or eligible student of the right to a hearing on the matter. If, as a result of a hearing, a school decides not to amend the record, then the parent or eligible student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the record for as long as the record is maintained.

This right is not unlimited, however, and a school is not required by FERPA to afford a parent or eligible student the right to seek to change substantive decisions made by school officials, such as grades or other evaluations of a student. This fact is indicated in the legislative history of FERPA. The primary source of legislative history regarding FERPA is contained in the "Joint Statement in Explanation of Buckley/Pell Amendment," Volume 120 of the Congressional Record, pages 39862-39866. The Joint Statement states that FERPA was "not intended to overturn established standards and procedures for the challenge of substantive decisions made by an educational institution." (Emphasis added.) 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, disciplinary rulings, or placement determinations. Thus, while FERPA affords parents or eligible students the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade or an individual's opinion. Because it appears that the records you are seeking to amend pertain to substantive decisions of the University as discussed above, FERPA's amendment provision does not apply in this instance. Accordingly, no basis exists for FPCO to investigate your allegation that the University failed to consider your request for a hearing to seek to amend your education records.

Thank you for contacting us about this matter.

Sincerely,

(b)(6)

Dann Brittenham
Management and Program Analyst
Family Policy Compliance Office

Enclosure