(b)(6)

SEP 9 2010

Dear (b)(6)

This is to respond to your November 8, 2009, complaint form to this Office in which you allege that (b)(6) (School) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR Part 99.

You allege that the above educational agency or institution did not comply with one of the following provisions of FERPA:

__X_ FERPA's access provision.

____ FERPA's disclosure provision.

____ FERPA's amendment provision.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for your information are a FERPA guidance document and complaint form.

Based on the information you provided this Office, we are unable to investigate your allegation(s) for the following reason(s):

____ Your complaint is untimely. A complaint must be received by this Office within 180 days of the date of the alleged violation or of the date which the complainant knew or reasonably should have known of the alleged violation. (See highlighted portion of the enclosed guidance.)

_____ While FERPA requires that a parent or eligible student be provided an opportunity to inspect and review education records, the law would only require that a school provide a copy of the records or make other arrangements for inspection of the records if certain circumstances exist. (See highlighted portion of the enclosed guidance.)

_____ FERPA permits educational agencies and institutions to disclose education records to school officials with legitimate educational interest and other specified parties without consent. (See highlighted portion of the enclosed guidance.)

__X__ You have not provided sufficient information for this Office to determine that a violation of FERPA may have occurred. (See enclosed guidance.)

_____ Requests to modify a grade, opinions included in education records, and other substantive decisions are not subject to FERPA's amendment provision. (See highlighted portion of the enclosed guidance.)

Under FERPA, a school is required to provide a parent with access to his or her child's education records within 45 days of the receipt of a request. A school is not required to provide a parent access to education record immediately upon request. Also, a school is not required to automatically or periodically provide a parent with access to education records, thought many schools do provide such access. For example, many schools provide parents automatic and periodic access to student report cards and results of achievement tests. However, as stated, this is not a requirement of FERPA. Rather, FERPA requires a school to comply with each individual request by a parent for access to education records.

In order to exercise your rights under FERPA, I suggest you write to the School and request the specific education records to which you are seeking access. If the school does not provide you with the requested access or fails to contact you within 45 days, you may contact this office. At such time you should provide us with a dated copy of your request to the School, any response from the School, and a completed copy of the complaint form. We will review the information you submit and take any appropriate action.

I trust this information adequately explains the scope and limitations of FERPA as it pertains to your client's concerns.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures