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

(b)(6)

SEP 16 2010

Dear (b)(6)

This letter is in response to your July 22, 2010, correspondence to the U.S. Department of Education, Family Policy Compliance Office (FPCO) wherein you expressed concerns about the failure of your child's school to provide you with access to your son's education records. FPCO administers the Family Educational Rights and Privacy Act (FERPA), which affords parents and eligible students certain rights with regard to education records.

FERPA is a Federal law that gives custodial and noncustodial parents alike the right to have an opportunity to inspect and review their children's education records, unless there is a court order or State law that specifically provides to the contrary. The school may ask for legal certification denoting parenthood, such as a court order or birth certificate, from the parent requesting access 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.

Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. A school is required to provide a parent with copies of education records, or make other arrangements, only if a failure to do so would effectively prevent the parent from obtaining access to the records. A case in point would be a situation in which the parent does not live within commuting distance of the school.

While a school is required to comply within 45 days with each individual request for access, it is not required by FERPA to honor standing requests, to provide immediate access to records, or to send out grades to parents at the end of marking periods. Further, a school is not required to provide information that is not maintained or to create records that do not exist.

Additionally, FERPA would not require a school to provide parents documents such as school calendars, updates, or notices of parent/teacher conferences because such documents are generally not directly related to individual students. Also, FERPA does not address who will attend parent/teacher conferences – such decisions are made at the discretion of local and State officials.

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Enclosed for your information are a FERPA guidance document for parents and complaint form. Please refer to the highlighted text in the enclosed document. You may also find additional information regarding FERPA on our website at: http://www2.ed.gov/policy/gen/guid/fpco.

We suggest that you write a letter to the appropriate official at your child's school, specifying the particular records to which you are seeking access. If the school fails to provide you access to the requested education records or fails to contact you within 45 days, you may contact this office again. At such time, please complete the enclosed complaint form and also provide us with a dated copy of your request to the school along with any response from the school. We will review the information you submit and take any appropriate action.

Sincerely,

(b)(6)

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosures