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

SEP 9 2010

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Dear (b)(6)

This is in response to your August 12, 2010, letter to this office and in follow-up to telephone conversations that you have had with Regina Miles of my staff regarding the Family Educational Rights and Privacy Act (FERPA). Specifically, you believe that your rights under FERPA have been violated because (b)(6) (College) refuses to provide you with an opportunity to copy your transcript or to transfer your education records, including your transcript, to another school.

FERPA is a Federal law that gives eligible students the right to have access to their education records, the right to seek to have the records amended, and the right to consent to the disclosure of information from the records, except where permitted by law. 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.

Under FERPA, a school is required to provide an eligible student with an opportunity to inspect and review his or her education records within 45 days of a request. However, a school is only required to provide *copies* of education records, or make other arrangements for a student to inspect and review his records, if a failure to do so would effectively prevent the student from obtaining access to the records. In order for this office to determine if the College violated your rights under FERPA concerning a request to inspect and review your education records, you will need to provide this office with the following information: 1) A copy of your written request to the school, requesting to inspect and review your education records and 2) a copy of the school's response, if any. We will review the information you submit and take any appropriate action.

As for your request that the College transfer your education records, FERPA does not require that a school forward education records to another school where the student intends to transfer. The exception in FEPRA allows a school to transfer education records to a school where a student seeks or intends to enroll but it does not require it. Thus, a school may refuse to transfer education records to another school due to money owed.

Enclosed for your reference is a guidance document on FERPA, as well as a complaint form. You may also find more information regarding FERPA on our website at: http://www2.ed.gov/policy/gen/guid/fpco.

Sincerely,

(b)(6)

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure