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

SEP 24 2010

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Dear (b)(6)

This letter is in response to your letter, dated September 20, 2010, that you sent to the U.S. Department of Education, Family Policy Compliance Office (FPCO) in which you state that your rights under the Family Educational Rights and Privacy Act (FERPA) were violated when the educational agency or institution that your child attends failed to provide you with copies of your child's education records. You also raise a number of issues relating to your child's special education services and records. FPCO administers FERPA, a Federal law that affords parents and eligible students certain rights with regard to education records.

Under FERPA, parents have the right to have access to their child's 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 a parent with an opportunity to inspect and review the student's education records within 45 days of a request. However, a school is only required to provide copies of education records, or make other arrangements, 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. Please note that, under FERPA, a school is not required to provide a parent's attorney with access (or copies) of the student's education records; rather, the school is only required to provide the parent with an opportunity to inspect and review his or her child's education records.

Our review of the information that you provided does not indicate that the school has denied you an opportunity to inspect and review your child's education records but, rather, has denied you *copies* of those records. Because a school is not generally required to provide a parent or eligible student with copies of education records, it appears that the school has complied with FERPA's access provisions. If this is not the case and the school has not provided you with an opportunity to inspect and review the records in response to a request from you, then you may contact this office again.

It does not appear that all of your concerns are addressed by FERPA. Rather, they may be addressed by Part B Individuals with Disabilities Education Act (Part B). Although Part B is a Federal law, it is administered by the States. For further information regarding Part B, you may contact:

Ms. Bambi Lockman
Chief
Bureau of Exceptional Education and Student Services
Florida Department of Education
325 West Gaines Street, Suite 614
Tallahassee, Florida 32399-0400
Telephone: (850) 245-0475

If, after a review of the enclosed guidance document you continue to believe your rights have been violated under FERPA, you should follow the directions on page 6 and 7 of the guidance document for filing a complaint. (A complaint form is also enclosed.) We will review the information you submit and take any appropriate action. 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

Enclosures