JAN 13 2010

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Dear (b)(6)

Thank you for your letter to President Barack Obama regarding your desire to obtain a duplicate copy of your diploma and your official grade transcripts from the police academy where you graduated. We appreciate hearing from you on this matter. The White House has referred your letter to the Department of Education for review, and I am pleased to respond. Your letter was then referred to this office for response because we administer the Family Educational Rights and Privacy Act (FERPA), which addresses issues concerning students' education records.

FERPA is a Federal law that affords eligible students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. Under FERPA, an eligible student must also provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from a student's education records, except as authorized by law. (An "eligible student" is a student who is 18 years or older or attending a postsecondary institution at any age.)

FERPA requires that schools comply with a student's request for access to his or her education records within 45 days of receipt of the request. A school is not required by FERPA to provide copies of education records to a student unless a failure to do so would effectively prevent the student from exercising the right to inspect and review the records. For example, a school is required to provide copies, or make other arrangements for inspection and review, if the student does not live within commuting distance of the school.

Please note, however, that FERPA only applies to educational agencies and institutions that receive funds from any program administered by the Secretary of Education. It is not clear whether the police academy to which you refer is subject to FERPA, and more than likely it does not receive funds from this Department. However, nothing would prevent you from contacting the academy in writing to make a request for copies of your records.

We are providing you with the enclosed guidance document further explaining FERPA. After a review of this guidance document you still believe that you have a concern under FERPA, you may complete the enclosed complaint form and return it to this office at the address noted on the form. We will review the information you provide and take any necessary action.

I trust that this response adequately explains the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures