Mr. Daniel T. Connor
Superintendent
Goshen Central School District
227 Main Street
Goshen, New York 10924

JAN 27 2010

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Mr. Connor:

This is to inform you of the findings in the complaint filed with this Office by (b)(6) (b)(6) (Student), alleging that Goshen Central School District (District) violated rights afforded him under the Family Educational Rights and Privacy Act (FERPA) by failing to provide him access to his education records. By letter dated September 30, 2009, this Office informed you of the Student's allegations. The District provided a written response to this Office on November 2, 2009.

Specifically, the Student alleges that on October 30, 2008, he submitted a request to (b)(6) High School principal (b)(6) to view his class rank. He further alleges that this information exists, is available to be sent to postsecondary schools, and is available to the National Honor Society advisor. In addition, the Student alleges that (b)(6) informed him during the second week of January 2009 that the District had changed its class rank policy, and because of the change the District could not allow the Student to view his class rank.

In response to the Student's allegations, the District asserts that on or about October 30, 2008, the Student, a senior, asked (b)(6) High School principal, (b)(6), to view his class rank. Class rank is calculated at the beginning of the senior year. The District's policy on class rank, Policy No. (b)(6), was in the process to being reviewed and revised by the Policy Committee in the Fall of 2008, with the final version being adopted by the Board of Education at its January 5, 2009 meeting. The review and revision to Policy No. (b)(6) was undertaken to address the issue of students doing things that were not educationally sound in order to enhance their class rank. Regarding the Student's complaint, the District acknowledges that the Student was not permitted to inspect and review his class rank in October 2008. The District also asserts that at that time, the Student was not an "eligible student" under FERPA because he was 17 years old, and did not turn 18 until June 1, 2009. The District further relates that the Student's parents did not make a request to inspect and review his class rank, and the Student did not request access to his class rank after he reached age 18.

The rights under FERPA that pertain to a student's education records are afforded to the parents of a student, and transfer to the student when he or she reaches age 18 or begins attendance at a postsecondary school. 34 CFR §§ 99.4 and 99.5. Given (1) these provisions of FERPA, (2) the District's assertion that the Student was 17 when he requested access to his class rank, (3) the District's assertion that the Student's parents did not request to inspect and review the Student's class rank, (4) the District's assertion that the Student did not request to inspect and review his class rank when he reached age 18, and (5) no evidence to the contrary, this Office finds there is no basis to conclude that the District did not comply with FERPA requirements.

The Student will be so advised by copy of this letter.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

cc: Student