JAN 13 2010

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Dear (b)(6)

This is in response to your email dated January 7, 2010, regarding the Family Educational Rights and Privacy Act (FERPA), which addresses issues that pertain to education records.

FERPA is a Federal law that gives parents the right to inspect and review a minor student's 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. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.

Enclosed for your information is a guidance document that provides additional basic information about FERPA. If, after reading the guidance document, you need more specific information regarding a certain aspect or aspects of FERPA, you may contact this Office again at the address below. As requested, we are also enclosing a FERPA complaint form. If you wish to file a complaint regarding a school's failure to comply with FERPA, you may complete the enclosed complaint form (following the instructions in the guidance document and on the complaint form) and return it to us at this address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Due to the large amount of correspondence this Office receives, we currently have a backlog we are working to resolve. However, your concerns are very important to us and, once we receive additional information, one of our caseworkers will provide you with a detailed response as soon as possible.

However, please note that, with regard to your particular concern, FERPA does not require schools to create or maintain education records, or to re-create lost or destroyed education records. Additionally, FERPA does not require a school to keep education records in any particular file or location, as long as the records are protected in compliance with FERPA.

Rather, it appears that some of the concerns you have raised may be addressed by the Individuals with Disabilities Education Act (IDEA). Although IDEA is a Federal law, it is administered by the states. For further information regarding IDEA, you may contact:

Mr. Douglas Cox
Director
Virginia Department of Education
Office of Special Education
P.O. Box 2120
Richmond, VA 23216-2120

Thank you for your patience and understanding.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures