UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

(b)(6)

OCT 19 2010

Dear (b)(6)

This is to respond to your August 19, 2010, letter to this Office in which you allege that (b)(6) (b)(6) (School) violated the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99. You allege that the above school, school district, or institution did not comply with one of the following provisions of FERPA:

___ FERPA's access provision.

_X_ FERPA's disclosure provision.

_X_ FERPA's amendment provision.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are 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 you information is a FERPA Guidance Document and complaint form.

Based on the information you provided this Office, we are unable to investigate your allegation(s) for the following reason(s):

____ Your complaint is untimely. A complaint must be received by this Office within 180 days of the date of the alleged violation or of the date which the complainant knew or reasonably should have known of the alleged violation. (See highlighted portion of the enclosed guidance.)

____ While FERPA requires that a parent or eligible student be provided an opportunity to inspect and review education records, the law would only require that a school provide a copy of the records or make other arrangements for inspection of the records if certain circumstances exist. (See highlighted portion of the enclosed guidance.)

_____ FERPA permits educational agencies and institutions to disclose education records to school officials with legitimate educational interest and other specified parties without consent. (See highlighted portion of the enclosed guidance.)

__X__ You have not provided sufficient information for this Office to determine that a violation of FERPA may have occurred. (See enclosed guidance.)

__X__ Requests to modify a grade, opinions included in education records, and other substantive decisions are not subject to FERPA's amendment provision. (See highlight portion of the enclosed guidance.)

With respect to your allegation regarding the School improperly disclosing to you information from the education records of a student who is not your child, please see page six of the enclosed FERPA guidance document regarding "standing." I have enclosed a complaint form which you may forward to the other parent should that parent wish to file a complaint with this Office.

With regard to your allegation concerning inaccurate information in your child's education records, please see page two of the guidance document regarding "amendment of education records," and page 7 of the guidance document regarding the information that must be included in any complaint to this Office regarding amendment of education records. Please note that the focus of the FERPA amendment procedure is for consideration of "inaccurately recorded" information in education records. A school is not required to respond to a request from a parent seeking to amend information that is not amendable under FERPA. Examples of information not amendable under FERPA are grades, opinions, student placement determinations, and substantive decisions made by schools about students.

I trust this information adequately explains the scope and limitations of FERPA as it pertains to your concerns.

Sincerely,

(b)(6)

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures