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

(b)(6)

NOV 03 2010

Dear (b)(6)

This is in response to your faxed letter that we received on October 18, 2010, regarding the Family Educational Rights and Privacy Act (FERPA). You allege that (b)(6) Academy, which appears to be a private school, violated your rights under FERPA.

FERPA applies to educational agencies and institutions that receive Federal funds from programs administered by the U.S. Department of Education (Department). Because private and parochial schools at the elementary and secondary levels do not generally receive funds (grants, subgrants, or cooperative agreements) from the Department, FERPA does not apply to these schools. A private school that has students and teachers who receive services from a local or state education agency funded by a Departmental program does not bring the school under the coverage of FERPA.

Please note that, even if the school were subject to FERPA, it would only be required to provide you with access, within 45 days, to your child's education records, a school is not required to provide information that is not maintained or to create education records that do not exist. Additionally, FERPA would not require a school to provide parents documents such as school calendars, updates, or notices of parent/teacher conferences because such documents are generally not directly related to individual students. Also, FERPA does not address appointments with school officials; such decisions are made at the discretion of the school.

Enclosed for your information is a fact sheet on FERPA. For information on the requirements, visit the Department's FERPA web site at:
http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html.

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

Sincerely,

(b)(6)

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure