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

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NOV 12 2010

Dear (b)(6)

This letter is in response to your May 25, 2010, correspondence you sent to the U.S. Department of Education, Family Policy Compliance Office (FPCO), in which you state that your rights under the Family Educational Rights and Privacy Act (FERPA) were violated when the educational agency or institution that your child attends failed to provide you copies of your child's education records. You also request information regarding the requirements of FERPA's amendment provision. FPCO administers FERPA, which affords parents and eligible students certain rights with regard to education records.

FERPA is a Federal law that gives parents and eligible students the right to have access to their child's or their education records, the right to seek to have the records amended, and the right to consent to the disclosure of information from the records, except where permitted by law. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Under FERPA, a school is required to provide a parent or eligible student an opportunity to inspect and review the student's education records within 45 days of a request; however, a school is only required to provide copies of education records, or make other arrangements, if a failure to do so would effectively prevent the parent or eligible student from obtaining access to the records. A case in point would be a situation in which the parent or eligible student does not live within commuting distance of the school.

Our review of the information that you provided does not indicate that the school has denied you an opportunity to inspect and review your child's education records but, rather, has denied you copies of those records. Because a school is not required to provide a parent or eligible student with copies of education records, except under certain circumstances, it appears that the school has complied with FERPA's access provisions.

In response to your inquiry regarding FERPA's amendment provision, requests to modify a grade, opinions of school officials in education records, and other substantive decisions are not subject to FERPA's amendment provision. Based on the information you provided FPCO, you are seeking to amend those of your child's education records which are based on opinion and are substantive decisions. Accordingly, FERPA's amendment provision does not apply to your circumstance. For your convenience, I have highlighted the applicable portion of the enclosed guidance document.

You may also find more information regarding FERPA on our website at: http://www2.ed.gov/policy/gen/guid/fpco.

Sincerely

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Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure