(b)(6)

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APR 8 2011

Dear (b)(6)

This is in response to your February 8, 2011, letter in which you allege that the Assistant Superintendent of Student Services for (b)(6) (District), (b)(6) (b)(6) has on numerous occasions corresponded with a member of the National Institute of Health, (b)(6) regarding disabled children in the county. This Office administers the Family Educational Rights and Privacy Act (FERPA). Enclosed is a guidance document for your reference.

FERPA is a Federal law that affords parents the right to have access to their children'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. Education records are those records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for the agency or institution

FERPA vests the rights it affords with the parent or eligible student. The statute does not provide for these rights to be vested in a third party that has not suffered an alleged violation. Thus, an individual must have "standing," that is, have suffered an alleged violation, in order to file a complaint under FERPA. Additionally, the FERPA regulations provide that a person may file a written complaint with the Family Policy Compliance Office regarding an alleged violation of the law. If such complaints contain specific, timely allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred, that office will initiate an investigation of the alleged violation by notifying the school of the allegation and providing the school an opportunity to submit a written response. The complaint is filed with the superintendent of schools, not individual employees, and the complaint is closed once voluntary compliance is achieved. A complaint is timely if it is submitted to this Office within 180 days of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

In order to further consider your allegation, you may complete the enclosed complaint form and return it to this Office. At that time, we need to receive the date on which your child's education records were disclosed by (b)(6) and the specific nature of the records that

were disclosed. You should provide any supporting documentation you have to support your allegation. Also, please provide the name and address of the Superintendent of the District.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosures