(b)(6)

FEB 24 2011

Dear (b)(6)

We are writing to inform you that the Family Policy Compliance Office (FPCO or this Office) is not initiating an investigation with regard to a complaint you filed with us on February 9, 2010. In that complaint, you are alleging that the (b)(6) (District) violated the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99. Specifically, you allege that the District failed to provide you access to all of your children's education records, including "emergency contact information." Please note that the other issues raised in your letter are not addressed by FERPA and will not be discussed in this letter.

This Office investigates certain complaints alleging violation of FERPA if it:

(a) Is filed by the "parent" of a minor student at a public elementary or secondary school or an "eligible student" who is at least 18 years of age or who attends or attended a postsecondary institution with FERPA rights in the education records which are the subject of the complaint;

(b) Is filed within 180 days of the alleged violation or within 180 days after the complainant knew or reasonably should have known about the violation; and

(c) Contains specific allegations of fact giving reasonable cause to believe that a FERPA violation has occurred.

The FERPA regulations (34 CFR Part 99) can be found on our website at http://www.ed.gov/policy/gen/reg/ferpa/index.html. Enclosed for your information are a FERPA guidance document for parents and a complaint form.

This Office's enforcement process is intended to work cooperatively with schools and districts to achieve their voluntary compliance with FERPA's requirements. Following a review of the evidence and allegations submitted by a complainant, we may initiate an administrative investigation by sending the district and the complainant a notification letter about the allegation, and requesting a written response from the district concerning the allegation. If we then determine that a district is in violation of FERPA, the district and the complainant are so advised by a letter of finding which contains corrective actions to be taken by the district in order to come into compliance with FERPA. Such measures can include training of school officials or a memorandum advising school officials of the specific requirements at issue in the complaint. There is no basis under FERPA to require that a district take punitive or disciplinary action against an individual school official as the result of a FERPA violation. We close the investigation when the district has completed the required corrective actions.

In this case, we will not open an investigation into your complaint because it does not provide specific allegations of fact which give this Office reasonable cause to believe that a FERPA violation occurred. In order for this Office to initiate an investigation, a complaint must contain such specific allegations.

The provisions of 34 CFR Part 99, Subpart B detail the right of inspection and review of education records. Generally, FERPA requires that educational agencies and institutions provide parents or eligible students access to education records within a reasonable period of time, but not more than 45 days after the request. You do not provide us with evidence that the District failed to comply with a specific request by you for access to information contained in your children's education records.

Specifically, you allege that the District did not provide you access to all of your children's education records. If you wish this Office to further consider your allegation, we need to receive additional information from you. Please complete the enclosed complaint form and include the following: the date you requested access to your children's education records; name of the official to whom your request was made (include your dated letter to the official, if possible); the response of that official, if any; the specific nature of the education records to which you believe you were denied access; and evidence that such education records are currently maintained by the District. We will review the information you submit and take any appropriate action.

However, in order to exercise your rights under FERPA, I suggest you write again to the appropriate official in the District and request the specific education records of your children to which you are seeking access. Though it is not required, you may want to include a copy of this letter along with your request. If the school fails to provide you access to the requested education records or fails to contact you within 45 days, you may write to this Office again. At such time, please provide us with a dated copy of your request to the District, any response from the District; the specific nature of the education records to which you believe you were denied access; evidence that such education records are currently maintained by the District; and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action.

As we explained to you in a January 28, 2011, e-mail, this Office would not require a school to provide a noncustodial parent with information regarding the home or work locations (addresses and telephone listings) of the student, custodial parent, or others if the school has evidence that the noncustodial parent might present a physical danger to any of them. Based on the information in the September 28, 2006, court order enclosed with your letter to this Office, we would not require the District to provide you with "emergency contact information" relative to the custodial parent's home or work locations even if such information is a part of your children's education records.

If you have questions regarding this matter, you may contact Mr. Ricky Norment of my staff. The name, address, and telephone number of the Office are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520
(202) 260-3887

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosures