(b)(6)

FEB 24 2011

Dear (b)(6)

This is to respond to your May 29, 2010, letter to this Office in which you allege that (b)(6) (b)(6) (District) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99.

You allege that the above educational agency or institution did not comply with one of the following provisions of FERPA:

_____ FERPA's access provision.

__X__ FERPA's disclosure provision.

_____ 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).

Enclosed for your information is a FERPA guidance document.

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.

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

__X__ 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.)

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

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

You allege that the District violated FERPA when it disclosed personally identifiable information from your education records to third parties without your prior written consent. By letter dated April 14, 2010, Ms. Kathleen Wolan, program analyst, informed your mother that the allegations included in her February 1, 2010, complaint form were not timely. I reviewed the information in your mother's February 1 complaint form (and accompanying information), and I also find that the allegations are not timely.

Based on the information in your May 29 letter, it appears you believe that you or your mother submitted allegations to this Office previously that do meet FERPA's 180-day timeliness requirement. However, I searched our paper files, our automated tracking system, and our e-mail box (though we do not accept complaints over the Internet), and I could not locate any submissions from you other than your May 29 letter, or any submission from your mother other than the February 1 complaint form. If you have contacted other agencies regarding this matter, such as your State Department of Education, or contacted other offices, such as the Department's Office for Civil Rights, regarding your concerns, you may have provided them with the information that you believe you provided to us.

As indicated above, due to privacy and administrative concerns, this Office does not accept complaint over the Internet. Also, for purposes of timeliness, the date of a phone call to this Office does not count as the date a complaint was submitted to us. Thus, if you wish this Office to further consider your allegation, you need to provide us with a copy of a document you previously submitted to this Office which includes a timely allegation, and provide us with

evidence that such document was previously submitted to us in a timely manner through the U.S. Postal Service or through a fax. We will review the information you submit and take any appropriate action.

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

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office