(b)(6)

FEB 28 2011

Dear (b)(6)

This is in response to your complaint, dated January 30, 2011, alleging that the New York City Department of Education (District) and the (b)(6) (Center) violated your rights under the Family Educational Rights and Privacy Act (FERPA). You state that your daughter (b)(6) age 21, was placed by the District in the Center under the Individuals with Disabilities Education Act (IDEA), and that the Center has denied you access to her records. This office administers FERPA, which affords parents and eligible students with certain rights with regard to education records.

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. When a student reaches the age of 18 or attends an institution of postsecondary education, that student is deemed an "eligible student" and all of the rights afforded by FERPA transfer from the parents to the student.

In your situation, it does not appear that FERPA applies. This is because your daughter is over 18 years of age and she is no longer in an educational agency or institution subject to FERPA. As such, the District and/or the Center are not required under FERPA to provide you with access to your daughter's education records. However, you may have rights under IDEA. As you may know, although IDEA is a Federal law, it is administered by the States. You may wish to contact the special education director for the State of New York. Her name and address are as follows:

Rebecca H. Cort
Associate Commissioner for Special Education
New York State Department of Education
One Commerce Plaza, Room 1606
Albany, New York 12234

Also, to assist you, I contacted a colleague in the Department's Office of Special Education Services (OSEP). You may wish to give Angela Tanner-Dean of OSEP a call at (202) 245-6320 for information about IDEA requirements. I trust this adequately explains the scope and limitations of FERPA as it pertains to your concern. We are returning the information you sent us in case it may be of assistance to you at a later date.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure