FEB 15 2011

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Dear (b)(6)

This is to respond to your June 6, 2010, complaint form and subsequent correspondence to this office in which you allege that school districts to which you have written have violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). Specifically, you state that the schools to which you have written fail to respond to your written requests for access to your children's education records, including your children's mailing addresses, phone numbers, and photographs. This office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives custodial and noncustodial parents alike the right to have an opportunity to inspect and review their children's education records, unless there is a court order or State law that specifically provides to the contrary. The school may ask for legal certification denoting parenthood, such as a court order or birth certificate, from the parent requesting access to education records. The term "education records" is defined as 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. Enclosed for your information is a FERPA fact sheet.

As stated above, FERPA generally requires schools to provide parents, custodial and noncustodial alike, access to their children's education records unless there is a court order or other legally binding document which revokes a particular parent's right to those records. This right allows parents the opportunity to inspect and review their children's education records so that they remain informed of their children's progress in school and aware of all records maintained by the school concerning their children. While a student's home address is technically part of his or her education records, it is not information created or developed by the institution that pertains to the student's life as a student, as are academic, disciplinary, or health data. Particularly, in circumstances such as these, where a school district believes that an individual may be a risk, we will not require the school to disclose a student's home address merely because it appears as part of the student's education records.

You have not provided this office with sufficient information (i.e. recent court order) which verifies that you are the parent or whether your parental rights have been terminated. In order to exercise your rights under FERPA if your rights have not been severed by the courts, you need to write to each school district where you believe each child attends or attended, and provide each with your request for each of that child's education records, along with a copy of the most recent court order or other legally binding document which verifies that your parental or FERPA rights have not been terminated. If the school district where your child attends or attended maintains your child's records

and fails to respond or otherwise denies your request, you may write to this office again. At such time, please provide this office with a copy of your request to each school district which has denied you access, along with a completed complaint form (see enclosed) for each school district, and copy, if any, of the district's response. Once this office receives the needed information, we will take any appropriate action.

I trust this information is helpful in discussing the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosures