(b)(6)

JUN 27 2011

Dear (b)(6)

This is in response to your June 13, 2011, email to Secretary Duncan in which you attach a letter to Congressman Gary Miller that concerns your allegations under the Family Educational Rights and Privacy Act (FERPA). Congressman Miller's office also contacted us on your behalf. Specifically, you were responding to our June 6th letter to you which we wrote in response to your allegation that (b)(6) (District) denied you access to your daughter's education records. You also state that the District improperly disclosed personally identifiable information from your daughter's education records.

We have reviewed your allegation that District is violating FERPA when it discloses non-directory type information when it publishes its weekly student recognition bulletin and have determined that specific allegations of fact alleging giving reasonable cause to believe that your rights under FERPA have been violated exist. Accordingly, we will contact the District setting forth your allegation on this matter.

With regard to your allegation that the District has denied you access to your daughter's education records, we need to receive additional information from you before we can contact the District. You state that on several occasions you have demanded your child's records. In this regard, you specify that on September 2010, you asked for all audio recordings of your daughter's IEP meetings and that, on May 9, 2011, you requested a copy of your daughter's transcripts from the District. You also indicate that the District has an ongoing practice of denying you access to your child's education records.

FERPA requires that schools comply with a parent's request for access to his or her children's education records within 45 days of receipt of the request. While a district would be required to conduct a reasonable search for education records, it is the responsibility of the parent to clearly specify the records to which he or she is seeking access. If a parent makes a "blanket" request for a large portion of his child's education records and the parent believes that he has not been provided certain records which were encompassed by that request, he should submit a follow-up request clarifying the additional records he believes exist.

A school is not required by FERPA to provide *copies* of education records to a parent unless a failure to do so would effectively prevent the parent from exercising the right to inspect and review the records. For example, a school could be required to provide copies, or make other arrangements, if the parent does not live within commuting distance of the school.

In order to assist you regarding your allegation that the District has violated your rights under FERPA because it refuses to provide you access to your child's education records within 45 days of your request, please provide this office a copy of the most recent request(s) you have made for access to your daughter's education records. For example you can provide this Office with a copy of the May 9 request to the District that you reference, and any response received. We will review the information you provide and take any necessary action. If the information you provide sets forth specific allegation of fact giving reasonable cause to believe that your rights under FERPA have been violated, we will contact the District setting forth your allegation on this matter as well.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

cc: Congressman Gary Miller