(b)(6)

MAR 8 2011

Dear (b)(6)

This is in response to your August 31, 2010, complaint form in which you allege that (b)(6) (b)(6) (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA). Specifically, you allege that on March 29, 2010, you made a request for access to all of your child's education records maintained by the District. Those records included a December 8, 2008, Independent Communication Assessment, all correspondence from you requesting that your child remain in kindergarten, and the District's 2009 hearing decision on the matter. You also allege that the District did not maintain certain records which it promised it would maintain. Finally, you explain that after you filed a complaint with the Maryland Department of Education (MDE) that you were denied access to your child's education records and the issue of records management by the District, the MDE suggested you file a complaint with this Office. This Office administers FERPA which addresses issues that pertain 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. Education records are those records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for the agency or institution. FERPA does not require a school to keep education records for any particular length of time.

While the records to which you are seeking access meet the definition of education records under FERPA (if maintained), they also relate to matters under the Part B of the Individuals with Disability Education Act (Part B). Although it is a Federal law, Part B is administered by the States. While the Part B and FERPA are similar, there may be provisions beyond FERPA that apply to your situation under Part B. Therefore, your complaint would be more appropriately

handled if you file it under Part B with MDE at the below address:

Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595
Telephone: (410) 767-0238

You can include a copy of this letter with your complaint to the State.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office