(b)(6)

MAR 7 2011

Dear (b)(6)

This is in regard to your July 28, 2010, letter to the (b)(6) Department of Education, a copy of which you provided this Office. In your letter to us, you state that you are seeking to "appeal the decision of the (b)(6) School administration" and seeking to amend your child's education records under the Family Educational Rights and Privacy Act (FERPA). This Office administers FERPA which pertains 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 "eligible" and all of the rights afforded by FERPA transfer from the parents to the student. Because your child is over 18 years of age, the rights under FERPA belong to him.

Nevertheless, the issues of concern to you relate to special education services of your child under Part B of the Individuals with Disabilities Education Act (Part B). Although Part B is a Federal law, it is administered by the states. Therefore, you were correct in directing your complaint to the Virginia Department of Education.

I regret that this Office cannot be of assistance to you regarding your concerns.

Sincerely,

Ingrid Brault
Management and Program Analyst
Family Policy Compliance Office