(b)(6)

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Dear (b)(6)

This is to respond to your November 5, 2010, complaint to this Office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated. 20 U.S.C. § 1232; 34 CFR § 99. Specifically, it appears you are alleging that your school failed to provide you access to your education records in response your request, and it failed to amend your education records as requested or offer you the opportunity for a hearing on the matter.

You allege that your school did not comply with one of the following provisions of FERPA:

__X_ FERPA's access provision.

____ FERPA's disclosure provision.

__X_ FERPA's amendment provision.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are directly related to a student and which are 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, guidance document, and complaint form.

Based on the information you provided this Office, we are unable to investigate your allegation(s) for the following reason(s):

____ Your complaint is untimely. A complaint must be received by this Office within 180 days of the date of the alleged violation or of the date which the complainant knew or reasonably should have known of the alleged violation. (See highlighted portion of the enclosed guidance.)

__X__ While FERPA requires that a parent or eligible student be provided an opportunity to inspect and review education records, the law would only require that a school provide a copy of the records or make other arrangements for inspection of the records if certain circumstances exist.

_____ FERPA permits educational agencies and institutions to disclose education records to school officials with legitimate educational interest and other specified parties without consent. (See highlighted portion of the enclosed guidance.)

__X__ You have not provided sufficient information for this Office to determine that a violation of FERPA may have occurred. (See enclosed guidance.)

_____ Requests to modify a grade, opinions included in education records, and other substantive decisions are not subject to FERPA's amendment provision. (See highlighted portion of the enclosed guidance.)

Please review the parts of the guidance document that address access to education records and amendment of education records. It appears that you live within commuting distance of your school. If this is true, the school is not required by FERPA to provide you with copies of your education records. Rather, the school is required to provide you with an opportunity to inspect and review your education records within 45 day of a request. Also, the focus of FERPA's amendment procedure is to permit a student to seek to amend inaccurately recorded information in his or her education records. Accordingly, a student may not seek to amend a grade, an opinion, or a substantive decision made by the school regarding the student.

If, after reviewing the guidance document you believe your school violated your rights under FERPA, you may complete the enclosed complaint form utilizing the guidance beginning at the bottom of page six of the enclosed guidance document. We will review the information you submit and take any appropriate action.

I trust this information adequately explains the scope and limitations of FERPA as it pertains to your concerns.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures