(b)(6)

DEC - 8 2009

Dear (b)(6)

This is to respond to your October 27, 2009, letter to this Office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated when the (b)(6) (District) did not provide you access to the education records of your daughter (b)(6) (Student) in response to your January 22, 2009, request for access. This Office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives parents the right to have access to their 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. 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 are a FERPA guidance document for parents, a fact sheet for non-custodial parents, and a complaint form.

Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request. A school is required to provide the parent with copies of education records or make other arrangements when a failure to do so would effectively prevent the parent from obtaining access to the education records. A case in point would be a situation in which the parent does not live within commuting distance of the school. Based on the information in your correspondence, it appears that you live within commuting distance to the District and it is required only to provide you with an opportunity to inspect and review your daughter's education records, although it is permitted to provide you with copies.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has failed to comply with FERPA. A timely complaint is defined as one that is submitted to this Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged failure to comply with FERPA. Based on the October 27, 2009, date when you notified this Office of an alleged violation of FERPA and your January 22, 2009, request to the District, your allegation is untimely received by this Office as discussed above. In order to exercise your rights under FERPA, this Office suggests that you again write to the District and specifically request access to your daughter's education records. If the District fails to provide you with access or fails to respond to your letter within 45 days as required by FERPA, you may write to this Office again. At such time, please provide this Office with a copy of your request along with a copy of the District's response, if any, and a completed complaint form. Once this Office receives such information, we will take any appropriate action.

The mailing address for this Office is:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

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

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures