(b)(6)

FEB - 4 2010

Dear (b)(6)

This is in response to your January 8, 2010, letter to this Office in which you allege that (b)(6) Center) violated the Family Educational Rights and Privacy Act (FERPA) when it failed to provide you access to the education records of your daughter, (b)(6) (Student), in response to your requests. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives 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. The term "education records" means 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.

Under FERPA, a school is required to provide a parent with access to his or her child's education records within 45 days of the receipt of a request. A school is required to provide a parent with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the parent from inspecting and reviewing education records. A case in point would be a situation in which the parent does not live within commuting distance of the student's school.

Mr Ricky Norment, of my staff, spoke to (b)(6) principal of the high school at the Center, and (b)(6), a licensed clinical psychologist with the Center. (b)(6) and (b)(6) informed this Office that the Center understands its responsibilities under FERPA for providing parents with access to their children's education records and would comply with all your future requests for such access.

(b)(6) and (b)(6) informed Mr. Norment that they believed your specific concern regarded obtaining access to test protocols regarding psychological tests administered to the Student by the Center. Mr. Norment explained that a test protocol would be an education record if it is directly related to a specific student, i.e., contains information such as the student's name and the student's responses to questions and/or the student's test scores. If the test protocol does not include such information, it would not be an education record subject to FERPA. (b)(6) gave Mr. Norment assurance that she would review the test protocols at issue and determine whether they meet the definition of education records based on the above standard and provide you with access to any of the test protocols that are education records.

Please note that a school is required by FERPA to respond to reasonable requests by a parent for explanations and interpretations of education records. A school may meet this requirement by various means other than sharing with a parent a test protocol that is not a student's education record. If you are seeking explanations and interpretations of information related to the Student's psychological tests or other education records, you may want to write to the appropriate school official at the Center and set up a telephone or in-person meeting to inquire about information contained in the Student's education records.

In the future, if you want access to the Student's education records, I suggest you send a dated letter to the appropriate official at the Center and request the specific education records to which you are seeking access. In order for this Office to assist parents and eligible students in a timely manner, it is best if such a letter is only a request for access to education records, not a sizable, multi-purpose letter which contains a request for access to education records somewhere in its pages. If the Center fails to provide you with access to the requested education records within 45 days, you may write to this Office again. At such time, you should provide us with a copy of your dated letter to the Center requesting access to the Student's education records, any response from the Center, and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure

cc: (b)(6)