(b)(6)

FEB 1 2 2010

Dear (b)(6)

This is in response to your March 18, 2009, correspondence to this Office in which it appears you are alleging that the (b)(6) (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it failed to amend information in the education records of your son, (b)(6) (Student), in response to your request or to offer you the opportunity for a hearing on the matter. 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. Enclosed for your information are a FERPA fact sheet, guidance document, and complaint form.

Under FERPA, a parent has the right to request that inaccurate or misleading information in his or her child's education records be amended. While a school is not required to amend education records in accordance with a parent's request, the school is required to consider the request. If the school decides not to amend the record in accordance with the parent's request, the school must inform the parent of the right to a hearing on the matter. If, as a result of the hearing, the school still decides not to amend the record, the parent has the right to insert a statement in the record setting forth his or her views. That statement must be maintained with the record for as long as the record is maintained.

However, while the amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. FERPA was intended to require only that educational agencies and institutions conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic and other assessments.

It appears you believe there is inaccurately recorded information on the District's "Parental Acknowledgement of Same-day Emergency Suicide Referral" form. In order to exercise your rights under FERPA, I suggest you write to the appropriate official in the District and request amendment of the information on the form which you believe is inaccurately recorded, and provide the District with evidence to support your assertion that such information is inaccurately recorded.

If the District does not amend the information as requested or offer you the opportunity for a hearing on the matter, you may contact this Office again. At such time, please provide us with a dated copy of your letter to the District requesting amendment of the inaccurately recorded information in the Student's education records, the response of the District (if any), and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action. However, please note that a school is not required to respond to a request for amendment of information in an education record that is not amendable under FERPA.

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

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures