(b)(6)

FEB 17 20

Dear (b)(6)

This is in response to your November 13, 2009, faxed correspondence to the Department's Office of Inspector General. Your correspondence has been referred to this Office for response because it appears that you believe that the (b)(6) (District) has violated the Family Educational Rights and Privacy Act (FERPA). This Office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives custodial and noncustodial parents alike the right to have access to their child's education records, unless the school has evidence there is a court order or State law that specifically revokes parental rights. A school may ask for legal certification denoting parenthood, such as a court order or birth certificate, from the parent requesting access to the records. The term "education records" is defined as those records 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 is a FERPA guidance document for parents.

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 a parent with copies of education records when a failure to do so would effectively prevent the parent from obtaining access to the child's records. Based on the information in your letter and the District's letter to (b)(6) (Parent), he is the parent of (b)(6) (Student) who is a student in the District, and holds the rights under FERPA. As discussed above, the school would be required only to provide the Parent with access to the Student's education records, even if he provided written consent for the school to provide you, the stepparent, with access to the education records. We also note that the District's letter to the Parent recognizes its responsibility to provide him with access to the Student's education records. Based on the information contained in your November 13, 2009, letter, no basis exists for this Office to investigate an allegation that the District failed to provide the Parent with access to the Student's education records.

In response to your concern about the District's campus visitor policy, FERPA addresses issues that pertain to education records. The District's visitor policy is a local matter and this Office has no authority to address local policies that do not pertain to FERPA. Accordingly, you may wish to address this matter with appropriate officials at the District.

Please also note this Office has been unable to reach you by telephone in response to your recent telephone call to this Office. Despite this Office's numerous attempts to contact you at the telephone number you provided this Office, (b)(6) a phone message states that the voicemail of (b)(6) is full. Thus, this Office has been unable to respond to your telephone inquiry. This Office has twice attempted on February 4, 2010, to reach you again with the same result. If you wish this Office to respond to you via telephone in the future, you should provide this Office with an operating contact telephone number at such time.

I trust this responds to your inquiry as it relates to your concerns regarding FERPA.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure