(b)(6)

AUG 17 2010

Dear (b)(6)

We are writing to inform you that the Family Policy Compliance Office (FPCO) is not initiating an investigation with regard to a complaint you filed with us on July 14, 2010. In that complaint you alleged that the (b)(6) School) violated the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

FPCO investigates certain complaints alleging violation of FERPA if it:

(a) Is filed by the "parent" of a minor student at a public elementary or secondary school or an "eligible student" who is at least 18 years of age or who attends or attended a postsecondary institution with FERPA rights in the education records which are the subject of the complaint;

(b) Is filed within 180 days of the alleged violation or within 180 days after the complainant knew or reasonably should have known about the violation; and

(c) Contains specific allegations of fact giving reasonable cause to believe that a FERPA violation has occurred.

The FERPA regulations (34 CFR Part 99) can be found on our website at http://www.ed.gov/policy/gen/reg/ferpa/index.html. Enclosed is a guidance document for your review.

FPCO's enforcement process is intended to work cooperatively with schools and districts to achieve their voluntary compliance with FERPA's requirements. Following a review of the evidence and allegations submitted by a complainant, we may initiate an administrative investigation by sending the district and the complainant a notification letter about the allegation, and requesting a written response from the district concerning the allegation. If we then determine that a district is in violation of FERPA, the district and the complainant are so advised by a letter of finding which contains corrective actions to be taken by the district in order to come into compliance with FERPA. Such measures can include training of school officials or a memorandum advising school officials of the specific requirements at issue in the complaint. There is no basis under FERPA to require that a district take punitive or disciplinary action against an individual school official as the result of a FERPA violation. We close the investigation when the district has completed the required corrective actions.

In this case, we will not open an investigation into your complaint because it does not meet the FERPA timeliness requirement described in (b), above. Your correspondence states that you were aware of the alleged disclosure on August 18, 2009. In order to be considered timely, your complaint should have reached FPCO no later than 180 days after August 18, 2009. Instead, FPCO did not receive your complaint until July 27, 2010, which was almost one year after you became aware of the alleged disclosure. (34 CFR § 99.64).

If you have questions regarding this matter, you may contact me. The name, address, and telephone number of the office are:

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U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520
(202) 260-3887

Sincerely,

Kathleen M. Wolan
Program Analyst
Family Policy Compliance Office

Enclosure