Mr. Gary L. Adkins
Superintendent
Wayne County Schools
212 North Court Street
Wayne, West Virginia 25570

AUG 17 2010

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Mr. Adkins:

(b)(6) (Parent) has filed a complaint with the U.S. Department of Education alleging that Wayne County Schools (District) violated rights afforded parents under the Family Educational Rights and Privacy Act (FERPA). This Office, under authority of § 99.60 of the FERPA regulations (copy enclosed), investigates complaints in accordance with procedures outlined in § 99.65. The section states in summary:

- The Office will notify the complainant and the educational agency or institution against which the violation has been alleged, in writing, if it initiates an investigation of a complaint.

- The notification to the agency or institution under this section shall include the substance of the alleged violation and shall ask the agency or institution to submit a written response to the complaint.

This letter serves to notify you of the allegation and to provide you an opportunity to submit a written response.

The Parent alleges that the District failed to comply with § 99.10 of the FERPA regulations when it did not provide her access to the education records of her son, (b)(6) (Student), in response to several requests. Section 99.10 states in part:

(a) . . . a parent or eligible student must be given the opportunity to inspect and review the student's education records. . . .

(b) the educational agency or institution . . . shall comply with a request for access to education records within a reasonable period of time, but not more than 45 days after it has received the request.

Specifically, the Parent alleges that the District did not comply with several requests by her for access to all of the Student's education records. The Parent provided this Office with June 8, 2010, requests by her for access to the Student's education records maintained by (b)(6) High School and (b)(6). Enclosed for your review are copies of the Parent's recent requests.

Please note that a school is required by FERPA to provide a noncustodial parent with access to his or her child's education records unless the school has evidence that there is a court order or State law that specifically provides to the contrary. 34 CFR § 99.10. Also, a school is required to provide the noncustodial parent with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the parent from obtaining access to the records. A case in point would be a situation in which the noncustodial parent does not live within commuting distance of the student's school. Based on the information provided by the Parent, she lives outside commuting distance of the Student's school.

To complete the procedure outlined in § 99.65(a)(2) of the FERPA regulations, please investigate the Parent's allegation and provide this Office with a written response within four weeks after you receive this letter. Also, please refer to complaint number 1461 in any correspondence regarding this complaint. If you have any questions concerning the Act, the Department's role in its administration, or the complaint procedure, you may contact Mr. Ricky Norment of my staff. The address and phone number of this Office are as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920
202-260-3887

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosures

cc: Parent