(b)(6)

AUG 19 2010

Dear (b)(6)

This is in response to your October 22, 2009, letter in which you allege that (b)(6) College violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it denied you access to your education records. This Office administers FERPA, which addresses issues that pertain to education records. Because of a backlog of correspondence, we have not been able to address the concerns raised in your letter. I apologize for any inconvenience this may have caused you.

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. Once a student turns 18 years of age or attends a postsecondary institution, he or she becomes an eligible student and all rights under FERPA transfer from the parent to the student. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.

FERPA requires that schools comply with a student's request for access to his or her education records within 45 days of receipt of the request. Also, a school shall respond to reasonable requests for explanations and interpretations of the records. FERPA does not require schools to create or maintain education records, or to re-create lost or destroyed education records.

You provided a June 24, 2009, request to (b)(6), Dean of Math and Science for the opportunity to inspect and review your Test-5 answer-book for Math-63 Fall 2007 with instructor (b)(6) along with its "question paper." You also asked for scores from various tests and homework. Due to the lapse in time, we are asking you to inform us whether you wish this Office to pursue your complaint or whether your concerns have been resolved. If you wish to pursue your allegation, please inform us of such a decision within 30 days of the date of this letter. Additionally, we need to receive the following information from you:

1) By "question paper," do you mean the test questions that go along with your Test-5 answer booklet?

2) Were you given access and an explanation? If not, why?

3) Can you provide the response of (b)(6) to this request if any was given?

4) Also, do you know if these two records, including the tests and homework you reference were maintained by the College at the time of your request?

Our address and telephone number are as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520
(202) 260-3887

We will review the information you provide and take any necessary action.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office