(b)(6)

MAY 25 2010

Dear (b)(6)

This is to respond to your August 29, 2007, letter to this Office, on behalf of your client, (b)(6) (Parent), in which you allege that the (b)(6) (District) College (College) violated rights afforded the Parent under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99.

You allege that the above educational agency or institution did not comply with one of the following provisions of FERPA:

____ FERPA's access provision.

__X__ FERPA's disclosure provision.

____ FERPA's amendment provision.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are 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. Enclosed for your information is a FERPA Guidance Document.

Based on the information you provided this Office, we are unable to investigate your allegation(s) for the following reason(s):

____ Your complaint is untimely. A complaint must be received by this Office within 180 days of the date of the alleged violation or of the date which the complainant knew or reasonably should have known of the alleged violation. (See highlighted portion of the enclosed guidance.)

_____While FERPA requires that a parent or eligible student be provided an opportunity to inspect and review education records, the law would only require that a school provide a copy of the records or make other arrangements for inspection of the records if certain circumstances exist. (See highlighted portion of the enclosed guidance.)

__X__ FERPA permits educational agencies and institutions to disclose education records to school officials with legitimate educational interest and other specified parties without consent. (See highlighted portion of the enclosed guidance.)

_____ You have not provided sufficient information for this Office to determine that a violation of FERPA may have occurred. (See enclosed guidance.)

_____ Requests to modify a grade, opinions included in education records, and other substantive decisions are not subject to FERPA's amendment provision. (See highlighted portion of the enclosed guidance.)

The District may disclose information from the student's education records to the bus driver if the District has defined the terms "school official" and "legitimate educational interest" in the District's annual notification to permit such disclosures. 34 CFR § 99.31(a)(1). The District is also required to provide all school officials, including bus drivers who are designated as school officials, with details about FERPA's general written consent requirement for disclosure of student information from education records.

As you know, there are some additional requirements that apply to the education records of students who receive special education services under Part B of the Individuals with Disabilities Education Act (Part B). If you haven't already, you may want to contact the organization responsible for administering Part B in your State. Also, if you believe any of your concerns are related to civil rights, you may want to contact the Department's Office for Civil Rights (OCR) in your region. Enclosed for your information is contact information regarding Part B and OCR.

I trust that this information adequately explains the scope and limitations of FERPA as it pertains to your client's concerns.

Sincerely,

Ricky Norment
Program Analyst
Family Policy Compliance Office

Enclosures