

(b)(6)

Dear (b)(6)

We are writing to inform you that the Family Policy Compliance Office (FPCO or this Office) is not initiating an investigation with regard to a complaint you wrote to us on November 2, 2009. In that complaint you alleged that the (b)(6) (District) violated the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

This Office 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>.

In this case, we will not open an investigation into your complaint because it does not meet the standing requirement described in (a), above. Only a parent or eligible student (as defined in 34 CFR § 99.3) has rights protected by FERPA. FERPA does not vest these rights in any third party. An individual must have suffered an alleged violation of his or her own protected rights in order to file a valid complaint under FERPA. The FERPA rights in the education records you describe belong to the students’ parents.

Additionally, your complaint does not meet the FERPA timeliness requirement described in (b), above. The complaint indicates that the alleged violation(s) occurred April 23, 2009. The Office received your complaint on November 9, 2009, which was more than 180 days after the alleged violation. (34 CFR § 99.64).

For further information regarding issues which you believe may be addressed by the U.S. Department of Education, you may contact the Department via our toll-free telephone number at 1-800-USA-LEARN (800-872-5327).

Sincerely,

Kathleen Wolan  
Program Analyst  
Family Policy Compliance Office