

NOV 7 2012

(b)(6)

This is to respond to your November 14, 2011, complaint form and telephone inquiries to this office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated when the (b)(6) (District) modified records relating to your (b)(6). This office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives eligible students the right to have access to their 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. 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 is a copy of a FERPA fact sheet. Based on information you provided this office, your daughter is an eligible student and the District is only required to provide her with access to her education records.

FERPA generally requires that a student provide written consent before a school can disclose education records to a third party, including a parent. However, a school is not required to provide any third party with access to education records, even when the student has provided prior written consent for such records to be disclosed to that third party. Therefore, although the District may do so, it is not required to provide you with access to, or copies of, your daughter's education records. Because your daughter, not you, holds the rights under FERPA, this office is unable to assist you further with regard to your inquiry.

I trust the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Bernard Cieplak  
Program Analyst  
Family Policy Compliance Office

Enclosure