

JUN 15 2012

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This is in response to (b)(6) May 17, 2012, facsimile correspondence that we received concerning allegations that you have with regard to your son's education records. This office administers the Family Educational Rights and Privacy Act (FERPA), a federal law that affords parents and eligible students certain rights with regard to education records.

We have reviewed the information you provided but are unable to determine whether there is reasonable cause to believe that FERPA has been violated. We will need you to submit more specific factual allegations regarding the alleged FERPA violation(s) in order to determine whether to investigate your allegations. Therefore, we are providing you with a guidance document about FERPA for parents. If, after carefully reviewing the guidance document, you believe you do have a timely allegation of a school's failure to comply with your rights under FERPA, please complete the enclosed complaint form and return it to this office at the following address:

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

Along with the complaint form, please also include the relevant back-up documentation, such as written correspondence received from the school in response to your concern. Please help us assist you in a more timely manner by outlining the relevant facts clearly and succinctly. Please ensure that any handwritten documentation is legible and easy to understand. We will review the information you submit and take any appropriate action. You may also find more information regarding FERPA on our website at: <http://www2.ed.gov/policy/gen/guid/fpco/index.html>.

It appears that you also filed a complaint with the Department of Health and Human Services (HHS) concerning an alleged violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. Please note that records that are protected by FERPA are not subject to the HIPAA Privacy Rule. Accordingly, FERPA, not HIPAA, would address the improper disclosure of any personally identifiable information from your child's education records, including his special education or health records.

Page 2 -

(b)(6)

I trust that the enclosed information is helpful to you. Should you have any questions regarding FERPA, you may contact this office directly at the address and phone number noted above.

Sincerely,

Dale King
Director
Family Policy Compliance Office

Enclosures