UNITED STATES DEPARTMENT OF EDUCATION
Family Educational Rights and Privacy Act

FORM APPROVED
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Complaint Form

Instructions: The United States Department of Education's (Department) Student Privacy Policy Office (SPPO) reviews, investigates, and processes complaints of alleged violations of the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. 1232(g); 34 CFR part 99. FERPA is a Federal law which affords parents certain rights with regard to their children's education records. The term "education records" is defined under FERPA, with certain exclusions, as those records that are directly related to a student and which are maintained by an educational agency (e.g., a school district) or institution (e.g., a school or postsecondary institution), or by a party acting for the agency or institution, to which funds have been made available under any program administered by the Secretary of Education.

These rights include the right to inspect and review their children's education records, the right to seek to have their education records amended, the right to have some control over the disclosure of personally identifiable information from their education records, and the right to file a written complaint with SPPO regarding an alleged violation of FERPA. Once a student reaches 18 years of age or begins attending a postsecondary institution, he or she becomes an "eligible student," and all of the parent's rights under FERPA transfer to the student.

SPPO investigates written complaints alleging a violation of FERPA by an educational agency or institution, a State educational agency (SEA) (if alleging denial to inspect and review education records maintained by the SEA), or a third party, if the complaint: 1) is filed by a parent or eligible student with FERPA rights over the education records which are the subject of the complaint, or by his or her attorney or advocate; 2) is submitted to SPPO within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation; and, 3) contains specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred.

Individuals who want to file a complaint should do so by completing this Complaint Form (available at https://studentprivacy.ed.gov/file-a-complaint) in its entirety and submitting it electronically or by mail. If you choose to submit this form electronically, please note that it is a fillable PDF (Portable Document Format) and works best when used withAdobe Reader, available for free download at https://get.adobe.com/reader/. Once you have completed the form, please type your name in the signature space and click "Submit Form." Your computer's default email software program should then open and create an email with the Complaint Form attached. In order to complete the submission process, you must send this email, and attachment, as appropriate.

In the event that you have either not selected a default email software program on your computer, or the default email software program you have selected does not open when clicking "Submit Form," in order to complete the submission process, you must either save the form, manually attach it to an email, and send that email to FERPA.Complaints@ed.gov; or, print the form, and sign and mail it to:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

You should receive a confirmation of SPPO's receipt of your complaint within three business days from the date of your submission. Failure to complete the Complaint Form in its entirety or to not provide any of the information required for SPPO to determine whether your complaint contains specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred may result in, among other things, the dismissal or return of your complaint to you in order to obtain additional information needed by SPPO to further consider your complaint. If your complaint is dismissed, you may choose to resubmit a new complaint per the instructions set forth above and in accordance with the requirements of FERPA.

Also, you should be aware that, when reviewing, investigating, or processing your complaint, SPPO may disclose, without your prior, written consent and pursuant to routine uses of the records that have been published in the system of records notice covering FERPA complaints information contained in your complaint, such as the name of the complainant, the name of the student if the student did not submit the complaint, and the alleged violation(s), including, but not limited, to the educational agency or institution against which your complaint has been made.

SECTIONS 1 & 2: STUDENT AND COMPLAINANT INFORMATION

To complete these sections, please provide all requested information, including the student's correct birthdate. An attorney or advocate may file a complaint on behalf of a parent or an eligible student; however, SPPO will not discuss the complaint with the attorney or advocate without the prior, written consent of the parent or eligible student, as applicable. SPPO will dismiss anonymous complaints and complaints filed by a party other than the parent or eligible student who maintains FERPA rights over the education records that are the subject of the complaint, or his or her attorney or advocate. Please note that a parent of an eligible student does not maintain rights over the education records of the eligible student and may not file a complaint alleging that his or her rights as a parent under FERPA have been violated.

SECTION 3: EDUCATIONAL AGENCY OR INSTITUTION INFORMATION

This section requires that you provide, among other information, the name and address of the current superintendent of the school district, the president of the college or university, the State educational agency (SEA) official (if alleging denial to inspect and review education records maintained by the SEA), or the appropriate official of a third party that you are alleging violated FERPA. FERPA applies directly to educational agencies and institutions that receive Federal funds under programs administered by the Department. For instance, private elementary and secondary schools generally do not receive funds from the Department and are, therefore, not generally subject to FERPA. SPPO generally will dismiss complaints filed against elementary or secondary schools that are not listed on the Department's National Center for Education Statistics Public School website (available at https://nces.ed.gov/ccd/schoolsearch/). Please note that it is extremely important that you enter the specific date (mm/dd/yyyy) of the alleged violation in this section for us to accurately determine the timeliness of your complaint. As stated above, a complaint must be filed within 180 days of the alleged violation or within 180 days after the complainant knew or reasonably should have known of the alleged violation.

SECTION 4: FERPA VIOLATION INFORMATION

In describing the alleged violations, you must respond to all of the information requested in the heading(s) that pertain to the nature of your complaint. For instance, if you are alleging a violation based on denial of access to your, or your child's, education records, you must (1) list the education records you requested; (2) indicate that the educational institution or agency maintains the requested education records and how the education records are maintained (if known); (3) provide the date(s) and means by which you requested access; (4)

indicate the name and position of the official(s) to whom you made the request for access to the education records; and (5) describe any response received to your request or any actions taken by the educational agency or institution in response to your request. Your response should only include the relevant facts that would give reasonable cause to believe that a violation of FERPA has occurred. To the greatest extent possible, please limit your response to the space provided in this Complaint Form; if more space is needed, you may attach additional documents in which you further describe your complaint. Failure to provide any of the required information may result in your complaint being dismissed or returned to you for additional clarification, which would delay the processing, and might impact the timeliness, of your complaint.

SECTION 5: CORRESPONDENCE INFORMATION

If there is any correspondence or other information, such as newspaper articles, website postings, email or letter exchanges, that substantiates your allegations, please briefly describe it in this section. You may also attach copies of relevant documents that support your allegations. Please note that SPPO will not accept the submission of audio or video files, CD/DVDs, or thumb drives. Also, the submission of nonessential, voluminous, or nonresponsive information may, among other things, delay the processing, or result in the dismissal or return, of your complaint.

SECTION 6: CERTIFICATION

Certify that the information you have provided in the Complaint Form is true and correct under penalty of perjury by typing in your name in the signature space, if filing electronically, or by printing out the Complaint Form and signing it, if filing by mail.

UNITED STATES DEPARTMENT OF EDUCATION

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Instructions: Complete the fields below for Sections 1-6. Periodically save the form to avoid losing information. If you make an error, click the Reset Form button at the bottom of the page to reset form fields. Click the submit button at the bottom of the page to submit your form to the Student Privacy Policy Office (SPPO) as previously described in the instructions section on Page 1.

SECTION 1: STUDENT INFORMATION

First Name | **Last Name** | **Student Date of Birth**

SECTION 2: COMPLAINANT INFORMATION

Your relationship to the student whose education records are the subject of this complaint. (If an attorney or advocate, please note that SPPO will not discuss the complaint with you without the prior consent of the parent or eligible student who maintains the rights under FERPA.)

◯ **Parent or Legal Guardian** ◯ **Self** ◯ **Other** *(ex. Attorney/advocate on behalf of the parent or eligible student)*

Title: | **First Name:** | **Last Name:**

Street Address | **Phone Number**

City | **State** | **Zip** | **Email** By listing an email address, you are giving SPPO permission to use the email address to contact you.

SECTION 3: EDUCATIONAL AGENCY OR INSTITUTION INFORMATION

Name and the school district, college/university, or State educational agency (SEA) (if alleging denial to inspect and review education records maintained by the SEA) that is the subject of the complaint.

Name of educational agency or institution or SEA | **Phone Number**

Mailing Address | **Dates Attended**

City | **State** | **Zip** | **Date of Alleged Violation**

Name and title of school official (ex. school district superintendent, the president of the college/university, or state educational agency (SEA) official (if alleging denial to inspect and review education records maintained by the SEA) or the appropriate official of a third party)

SECTION 4: FERPA VIOLATION INFORMATION

What is the nature of the alleged FERPA violation? Please provide clear, succinct responses addressing all of the information requested in the heading(s) that pertain to your complaint.

☐ **If you have been denied access to your, or your child's, education record(s): (1) list the education record(s) you requested from the educational agency or institution; (2) indicate whether the educational agency or institution maintains the requested education record(s) and, if so, how the education record(s) is maintained (if known) and the period of time such record(s) is retained (if known); (3) provide the date(s) and means by which you requested access to the education record(s); (4) indicate the name and position of the official(s) to whom you made the request for access to the education record(s); and, (5) describe any response that you received to your request or any action(s) taken by the educational agency or institution in response to your request.**

☐ **If you have been denied the opportunity to amend your, or your child's education record(s): (1) describe the education record(s) you sought to amend; (2) the information in the education record(s) that you wanted amended and the specific correction that you requested to such information; (3) the reason you believe that the information in the education record(s) is misleading, inaccurately recorded, or an invasion of your, or your child's right to privacy; (4) the date you requested to amend the education record(s); (5) the name and title of the school official to whom you made the request to amend your, or your child's education record(s); (6) any response that you received to your request or any action(s) taken by the educational agency or institution in response to your request; and, (7) the result of any hearing held by the educational agency or institution on the matter.**

If your, or your child's, education record(s) or personally identifiable information from such education record(s) was improperly disclosed without your prior, written consent, indicate specifically: (1) what education record(s) and/or personally identifiable information was disclosed and the date of such disclosure (if known); (2) whether the information disclosed was recorded in the student's education records; (3) the name and title, or job function, of the school official who made the disclosure; (4) the individual to whom the disclosure was made and relationship, if any, to the educational agency or institution, and to the student; (5) the circumstances under which the disclosure was made; (6) how and when (date) you became aware of the disclosure; and, (7) a description of any communication between you and the disclosing individual or entity, as applicable, regarding the disclosure.

SECTION 5: CORRESPONDENCE INFORMATION

Describe any correspondence, such as newspaper articles, website postings, email or letter exchanges, that substantiates the information specifically required in Section 4 above. You may also attach copies of those relevant documents that support your allegations. Please note that we will not accept the submission of audio or video files, CD/DVDs, or thumb drives. Also, the submission of nonessential, voluminous, or nonresponsive information may, among other things, delay the processing of your complaint, and could result in the dismissal and return of your complaint.

SECTION 6: CERTIFICATION

I certify under penalty of perjury that the foregoing is true and correct.

Signature: **Date:**

Privacy Act Statement. The Department is authorized to solicit the information contained in this Form by 20 U.S.C. 1232g. Your disclosure of the information requested on this Form is voluntary, but if you fail to provide any of the information, it may result in, among other things, your complaint being dismissed or returned to you for additional clarification. The principal purpose for which the information requested on this Form will be used is to resolve your complaint and determine whether the educational agency or institution violated FERPA. The Department has published the routine uses for which the information requested on this Form may be used in a system of records notice entitled "Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) Record Systems (18-05-02), which was last published in the Federal Register on June 4, 1999 (64 Fed. Reg. 30106, 30123-24). The routine uses include, but are not limited to, disclosing records to the educational agency or institution against which a complaint has been made or the State Educational Agency in that State. The Department may modify and update this system of records notice, in which case that update in addition to the Department's other systems of records notices may be found at: https://www2.ed.gov/notices/ed-pia.html. The effects of not providing any of the requested information on this Form may include, among other things, that your complaint is dismissed or returned to you for additional clarification.

Paperwork Burden Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection is 1880-0544. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Obligation to respond is voluntary. If you have questions on your individual submission of this form, write directly to: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.

Reset Form | Print Form | Submit Form