

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to [FERPA@ed.gov](mailto:FERPA@ed.gov).

January 20, 2004

[To Eligible Student]

Dear [Eligible Student]:

This letter is in response to your December 19, 2003, letter to the United States Department of Education's (Department's) Family Policy Compliance Office (Office) in which you allege that your rights under the Family Educational Rights and Privacy Act (FERPA) were violated. Specifically, you alleged that Washington State University (University) denied you access to certain of your education records. This letter also responds to your January 7, 2004, letter to the Secretary of Education requesting an appeal based upon your dissatisfaction with the December 17, 2003, letter from the Department's Office of the General Counsel advising you that you have no appeal rights under the Administrative Procedure Act or Department regulations.

As discussed in our December 8, 2003, response to you (see enclosed), FERPA does not require a school to provide information to a student that is not maintained in the student's education records, nor does FERPA obligate a school to create education records in response to a student's request. Without evidence that a University maintains specific education records, there is no basis for this Office to investigate the alleged failure by the University to comply with your requests for access to your education records. Our attempt at reviewing your complaint was hindered by the sheer volume of your submissions along with the presence of extraneous and irrelevant information. However, in an effort to assist you, we requested in several letters, including our December 8, 2003, letter, that you revise your complaints to include only relevant supporting documents. Additionally, we offered you the opportunity to respond in writing within three weeks of your receipt of our December 8, 2003, letter, and further offered you the opportunity to discuss this matter with our staff via telephone in order to assist us in responding to your complaint and concerns. Despite our best efforts, you failed to contact this Office or to provide us with any additional evidence or information regarding your allegations as requested in our December 8, 2003, letter. Rather, you stated in your December 19, 2003, letter to us that you "have no reason and intention to make any further revision of [your] complaints." Therefore, we are closing this matter without a finding.

With regard to your January 7 letter requesting a review of the Department's denial of an adjudication under the Administrative Procedure Act (APA), the December 17, 2003, letter to you from the Office of the General Counsel (see enclosed) very clearly explains that you do not have a right to an adjudication by the Secretary under the APA and that no further action will be taken by the Department regarding your requested adjudication. As also explained to you in that

same letter, you do not have a right to appeal or otherwise contest this Office's decisions with respect to complaints filed under FERPA. Thus, in the absence of a legal right to appeal this matter, any further requests, appeals, or correspondence to the Department seeking to invoke legal rights that are nonexistent in this context will not be acknowledged.

I sincerely hope that the above information provided is helpful in further explaining the scope and limitations of your rights under FERPA as they relate to this matter.

Sincerely,

/s/

LeRoy S. Rooker  
Director  
Family Policy Compliance Office

Enclosures