

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.

July 8, 2005

[Letter to Parent]

Dear [Parent]:

This is in response to your letter dated May 1, 2005, which describes your attempts to obtain access to your daughter's Standardized Achievement Test (SAT) results and her American College Testing (ACT) results. You indicate that ACT provided you with your daughter's test results but that the College Board has not responded to your request for her SAT results.

This Office administers the Family Educational Rights and Privacy Act (FERPA), which addresses issues related to education records. FERPA is a Federal law that affords parents the right to inspect and review their children's education records and to seek to have the records amended in certain circumstances. Under FERPA, parents must also provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from a student's education records, except as authorized by law.

FERPA applies to "educational agencies and institutions" that receive funds under a program administered by the U.S. Department of Education. While an educational testing service may receive funds from the Department, FERPA generally does not apply to a testing company because it is not considered an "educational agency or institution" under the requirements set forth in § 99.1(a) of the FERPA regulations. This means that test results created and maintained by a testing company, such as the College Board, are not considered "education records" subject to a parent's FERPA right to inspect and review. Accordingly, because the College Board is not subject to FERPA, we are unable to be of assistance in your efforts to obtain information directly from that organization. However, if your daughter's school is an educational agency or institution subject to FERPA, and the school maintains a record of her SAT results, the school would have to allow you to inspect and review the results of the test. Enclosed is a fact sheet on FERPA for your review.

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

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office