

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.

September 24, 2007

The Honorable Bernard Sanders
United States Senator
1 Church Street, Second Floor
Burlington, Vermont 05401

Dear Senator Sanders:

This is in response to your September 10, 2007, letter to Ms. Terrell Halaska, Assistant Secretary for Legislative and Congressional Affairs, concerning an issue raised by your constituent under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232g; 34 CFR Part 99. The constituent requests information regarding whether there exists "an Administrative Law Judge (ALJ) process for FERPA complaints," and "any and all information regarding the applicable rules, policies, and procedures" for such a process. It appears your constituent is seeking information relative to the Department's responsibility for investigating alleged violations of FERPA. I have been asked to respond to your inquiry because this Office administers FERPA which addresses issues pertaining to education records.

This Office is designated by the Secretary to investigate, process, and review complaints and violations under FERPA, and to provide technical assistance to educational agencies and institutions to ensure compliance with FERPA. Should a parent or eligible student have a timely complaint that provides specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred, the parent or student may file a complaint with this Office. Each determination by this Office regarding individual complaints under FERPA, including a decision not to initiate an official investigation or a complainant's allegations, represents the Department's final determination and is not subject to appeal. The Office of Administrative Law Judges serves as the review board under the enforcement provisions of FERPA after a determination has been made to withhold funds or take other enforcement actions against an educational agency or institution.

I trust that this is responsive to your inquiry. If you or your constituent have any questions regarding this matter, you may contact this Office directly. The name, address, and telephone number are as follows:

Family Policy Compliance Office
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920
Telephone: (202) 260-3887

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office