LIBERTY JUSTICE CENTER

September 16, 2025

Via Certified Mail & Email

Mr. Charles Daugherty, Superintendent
[redacted]

Re: FERPA and Access to Test Materials

Superintendent Daugherty,

As pro bono counsel for Jamey Cronemeyer, we request that the Ashley Ridge High School provide our client with an opportunity to inspect her daughter's completed math exams and quizzes.

The Family Educational Rights and Privacy Act ("FERPA") grants parents the right to inspect and review their children's education records. *See* 20 U.S.C. § 1232g(a)(1)(A). The statue and the U.S. Department of Education ("DOE") regulations define "education records" as any "files, documents, and other materials" with information directly related to a student that are maintained by an education institution or person acting for such institution. 20 U.S.C. § 1232(a)(4)(A); 34 C.F.R. § 99.3 "Education Records."

Exam and quiz answer sheets are directly related to a student, so they fall into the definition of education records which Mrs. Cronemeyer has a right to review. If the answer sheets are separate from the test question booklet, the school is required to "respond to reasonable requests for explanations and interpretations of the records." 34 C.F.R. § 99.10(c). This would include an explanation of the student's incorrect responses.[1]

Mrs. Cronemeyer needs access to the tests to help her daughter learn from her mistakes. If the school continues to deny her access to this material, we will be forced to file a Complaint with the DOE's Student Privacy Policy Office ("SPPO"). The SPPO will investigate if there has been a FERPA violation and work with the school to bring it into voluntary compliance. If a school does not come into compliance, the DOE may withhold federal funds.[2]

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[1] *See also* U.S. Dep't of Educ., Letter to Britt Silver, Esq., Regarding Test Protocols and FERPA (Aug. 7, 1998), https://studentprivacy.ed.gov/resources/letter-attorney-new-york-regarding-test-protocols-and-ferpa-august-1998 ("completed test instruments or question booklets containing information that identify a particular student, whether or not the actual name of the student appears on the booklet, constitute 'education records' subject to the FERPA requirements."); *Id.* ("a school would be required to respond to a reasonable request for an explanation or interpretation of a student's answer sheet.")

[2] U.S. Dep't of Educ., Off. of Mgmt., Improving the Effectiveness and Efficiency of FERPA Enforcement (Dec. 20, 2018),

I am requesting that you or your legal counsel please contact me by email within one week of receipt of this letter with the goal of resolving this matter without the filing of a complaint.

Respectfully,



Dean McGee
dmcgee@ljc.org

cc:
Ashely Wimberly, Chair, Board of Trustees, [redacted]
Christy Graham, Counsel, [redacted]
Jamey Cronemeyer, [redacted]

https://studentprivacy.ed.gov/sites/default/files/resource_document/file/A parent guide to ferpa_508.pdf.