(b)(6)

JAN 30 2009

Dear (b)(6)

This is in response to your January 20, 2009, letter to Secretary Duncan in which it appears you are alleging that (b)(6) (School) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when the School disclosed information from the education records of your child to a third party without your prior written consent. Your letter was forwarded to this Office for response because we administer FERPA which addresses issues that pertain to education records. Other issues raised in your letter, such as employee conduct or a school's policies and procedures for reporting suspected cases of child abuse, as you have raised them, are not addressed by FERPA and will not be discussed in this letter.

FERPA is a Federal law that gives parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for you information are a FERPA fact sheet, guidance document, and complaint form.

Please note that FERPA does not protect the confidentiality of information in general and, therefore, does not apply to disclosure of information derived from a source other than education records, even if education records exist which contain that information. Rather, FERPA protects information derived from education records from improper disclosure. As a general rule, information obtained through personal knowledge or observation or from hearsay, and not from an education record, is not protected from disclosure under FERPA.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to this Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation. If you wish this Office to further consider your complaint, we need to receive additional information from you.

Please complete the enclosed complaint form and include the following information: the date or dates of the disclosures of information from your child's education records, or the date or dates you learned of such disclosures; the name of the official(s) who made the disclosure(s), if that is known; the specific nature of the information disclosed; and evidence that the information disclosed came from tangible education records, not through personal knowledge or observation or from hearsay. Based on the information in your letter, it appears the (b)(1) is the individual to whom you are alleging information from your child's education records was improperly disclosed. We will review the information you submit and take any appropriate action.

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

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosures