Dr. Lawrence J. Mussoline
Superintendent of Schools
Wilson School District
2601 Grandview Boulevard
West Lawn, Pennsylvania 19609

JAN 0 8 2008

Dear Dr. Mussoline:

This is in regard to correspondence we received from a parent whose child attends school at Lower Heidelberg Elementary School (School) in Wilson School District (District). The parent alleges that the School improperly disclosed information to her from the education records of a student who is not her child. This Office administers the Family Educational Rights and Privacy Act (FERPA) which addresses issues that pertain to education records.

As evidence to support her allegation, the parent provided this Office with a copy of the education record of the other student (enclosed) which she alleges the School provided to her. The Parent alleges that this is the second time that copies of another student's education records were mixed in with her child's education records and sent to her. She states she is concerned that if the School's procedure for providing parents with copies of education records permits her to receive another student's education records, it might also permit another parent to receive copies of her child's education records.

FERPA vests the rights it affords in parents and eligible students. The statute does not provide for these rights to be vested in a third party who has not suffered an alleged violation. Thus, we require that a parent have "standing," i.e., have suffered an alleged violation in order to file a complaint under FERPA. The parent who made the above allegation does not have standing under FERPA regarding the alleged disclosure of information from the education records of the other student. This Office investigates those timely complaints submitted by parents and eligible student that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. This Office is not investigating the parent's allegation because the parent does not have standing. However, if the parent of the other student submitted an allegation regarding this matter, this Office would further consider initiating an investigation. In addition to investigating complaints of alleged violations of FERPA, this Office also provides technical assistance to educational agencies and institutions to help ensure they are in compliance with FERPA.

FERPA is a Federal law that affords 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. 20 U.S.C. § 1232g; 34 CFR Part 99. The term "education records" is defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3 "Education records." Enclosed for your information is a copy of the FERPA regulations.

Under FERPA, a school is prohibited from disclosing personally identifiable information from a minor student's education records to a third party unless the student's parent has provided written consent. 34 CFR 99.30. There are several exceptions to FERPA's prohibition against nonconsensual disclosure of education records. 34 CFR § 99.31. However, none of these exceptions apply to the situation described by the parent.

In that regard, we are requesting that the District discuss this matter with the School, as appropriate. Also, we suggest you get assurance and evidence from the School that appropriate officials have been informed of FERPA's prior written consent requirement for disclosing information from education records, and that any necessary revisions have been made to the School's procedures for providing parents with copies of education records to ensure that a parent only receives copies of information from his or her child's education records.

If you have any questions or concerns regarding this matter, you may contact Mr. Ricky Norment of my staff at 202-260-3887.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosure