(b)(6)

JAN 08 2008

Dear (b)(6)

This is in response to your January 24, 2007, letter to this Office in which you allege that that (b)(6) (School) violated the Family Educational Rights and Privacy Act (FERPA) when it disclosed information to you from the education records of a student who is not your child. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives parents the right to have access to their minor 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" 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. Enclosed for your information are a FERPA fact and guidance document.

Under FERPA, a school may not generally disclose personally identifiable information from a minor student's education records to a third party unless the student's parent has provided written consent. While there are several exceptions to FERPA's prohibition against nonconsensual disclose of education records, none apply to the situation you describe.

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. You do not have standing relative to the alleged disclosure of the education records of a student who is not your child. It is the other student's parent who has standing in this regard.

However, 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. In that regard, we have provided technical

assistance to the (b)(6) (District) regarding the alleged improper disclosure of education records you describe. Enclosed for your information is a copy of our letter to (b)(6) superintendent of the District, advising him about this matter.

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

Sincerely,

(b)(6)

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures