(b)(6)

JAN 12 2009

Dear (b)(6)

This is in response to your October 6, 2008, letter to this Office in which you allege that the (b)(6) (District) violated the Family Educational Rights and Privacy Act (FERPA) when it nonconsensually disclosed to you information 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 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. 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.

Please note, however, that FERPA vests the rights it affords in the parents of minor 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 with regard to your allegation that the District improperly disclosed the education records of a student (Other Student) who is not your child. The parent of the Other Student must file such a complaint. Enclosed are a copy of our FERPA fact sheet, guidance document, and complaint form. If you wish, you may forward these documents to the parent of the Other Student.

In addition to filing complaints of alleged violations of FERPA, this Office also provides technical assistant to educational agencies and institution in an effort to ensure they are in compliance with FERPA. Based on the information you have provided, we may offer the District technical assistance concerning this matter.

Please note that the DVD you provided to us was damaged in the mail before it reached this Office. If you wish, you may provide us with the specific information regarding the Other Student that was disclosed on the DVD within three weeks of your receipt of this letter. 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 concern.

Sincerely,

Ricky Norment
Program Analyst
Family Policy Compliance Office

Enclosures