(b)(6)

NOV 5 2009

Dear (b)(6)

This is in response to your July 2, 2009, letter to this Office in which you allege that (b)(6) (b)(6) (College) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it disclosed information from your education records to a school official who did not have a legitimate educational interest. Specifically, you allege that on June 29, 2009, (b)(6) director of student services at the College, and (b)(6), the security officer, improperly disclosed information from your disciplinary file to (b)(6) director of financial aid for the College. You do not believe that (b)(6) had a legitimate educational interest in having access to this information. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives eligible students the right to have access to their 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 your information are our FERPA guidance documents and complaint form.

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the student has provided written consent. However, there are several exceptions to FERPA's general prohibition against nonconsensual disclosure of education records. One such exception permits the nonconsensual disclosure of education records to "school officials" with a "legitimate educational interest." Please see page three of the guidance document for additional information on the school official exception. Generally, a school official has a legitimate educational interest if he or she needs access to information in education records to do his or her job.

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.

We are unable to determine from your letter whether (b)(6) has a legitimate educational interest in accessing your disciplinary file. It appears there was some conflict between you and (b)(6) regarding your financial aid award letter. (b)(6) may have reviewed your

disciplinary file to determine whether you had a pattern of having conflicts with school officials. She may have planned to factor that into a decision on whether the conflict between you and her needed to be reported to another appropriate school official or office.

If you wish this Office to further consider your allegation, please complete the enclosed complaint form and provide us with additional information regarding the conflict between you and (b)(6), and a copy of the e-mail (b)(6) sent to you and (b)(6), dean of the School of Adult and Professional Studies. We will review the information you submit and take any appropriate action.

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

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosure