(b)(6)

SEP 16 2009

Dear (b)(6)

This responds to your December 9, 2008, letter and recent follow-up emails in which you allege that the (b)(6) (District) violated your rights under the Family Educational Rights and Privacy Act (FERPA). Specifically, you believe that the District improperly disclosed information from your son's education records to his classmates and to his physician. This Office administers the Family Educational Rights and Privacy Act (FERPA) which pertains to education records.

It is unclear from the information you provided what education records were disclosed. FERPA prohibits the improper disclosure of information derived from education records. Therefore, information that is based on opinion or hearsay and not specifically contained in education records would not be protected under FERPA.

Furthermore, from the information you provided, such a disclosure may be permissible absent your consent under FERPA's health or safety exception. An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

As for your allegation that the District "compromised the safety of my son during school," when the school nurse discussed your son's allergy to peanuts to his physician and that you had only given the District limited authorization to consult with the physician, we would need to receive a copy of the consent form that the District relies upon to discuss your son's education records with the physician before we can consider this allegation.

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

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office