Dr. James Ponce
Superintendent
McAllen Independent School District
2000 N. 23rd Street
McAllen, Texas 78501

SEP 14 2009

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Dr. Ponce:

This is in regard to the complaint filed by (b)(6) (Parent) against the (b)(6) (b)(6) (District) under the Family Educational Rights and Privacy Act (FERPA). By letter dated January 17, 2007, we informed the former superintendent, (b)(6), of the Parent's allegation that the District violated FERPA when it improperly disclosed information from her child (b)(6) (Student) education records. Specifically, we informed the District of the Parent's allegation as follows:

> On September 7, 2006, I went to discuss my daughter['s] in-school suspension with (b)(6) z [8th grade assistant principal at (b)(6) She conducted the meeting in the lobby of the office. Several teachers and employees of the school heard the conversation. We talked about my daughter's [Special Education] (b)(6), IEP, and items that are in my daughter's file. All of those people now know that my daughter is in Special Ed and that she takes medicine. They all know she has an IEP.

By letter dated February 15, 2007, (b)(6) responded by explaining that the Principal of (b)(6) investigated the actions of the Assistant Principal and the Counselor of and concluded that at no time did these two school officials reveal any confidential information regarding the Student. In support of its position, the District provided two signed statements from each school official to that effect.

When an individual alleges that a violation of FERPA has occurred, the burden of proof rests with that individual. Because the District has refuted that the alleged improper disclosure occurred, and provided witness statements from the school officials involved indicating that no disclosure of the Student's education records occurred, this Office finds that the District did not violate FERPA as alleged. As such, we are closing this complaint and will so notify the Parent by copy of this letter.

We are enclosing a copy of the FERPA regulations that were revised in December 2008 for your reference. Thank you for your cooperation with regard to this matter.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure