UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

(b)(6)

SEP 24 2010

Dear (b)(6)

This is in response to your letter, dated June 29, 2010, as well as your follow-up letter of September 1, 2010, in which you allege that (b)(6) School violated the Family Educational Rights and Privacy Act (FERPA) when a school official disclosed information about your son (b)(6), without your prior written consent. This Office administers FERPA, which addresses issues that pertain to education records. 20 U.S.C. § 1232g; 34 CFR Part 99.

Please note that FERPA applies to educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education. The school your child attends appears to be a "DOD Section 6 school," which means it is funded solely by the Department of Defense under 10 U.S.C. section 2164, and not from program appropriations administered by the Department of Education. Accordingly, FERPA does not apply to your son's education records that are maintained by the DOD school.

Your concern may be addressed by the Department of Defense Education Activity office. The official to whom you may write is noted below:

Mr. Mike Lynch
Chief, Legislation and Policy
Department of Defense Education Activity
4040 North Fairfax Drive
Webb Building
Arlington, Virginia 22203

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)

Ellen Campbell
Acting Director
Family Policy Compliance Office