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

(b)(6)

NOV 05 2010

Dear (b)(6)

This is in response to your September 4, 2010, letter to this office in which you inquire about the Family Educational Rights and Privacy Act (FERPA) relative to a request made under the State of Connecticut's open records law for the disclosure of hearings concerning two children's residency eligibility with respect to a school they were attending. This Office administers FERPA, a Federal law, which addresses issues pertaining to education records. Specifically, FERPA affords parents and eligible students the right to have access to their children's or 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.

Under FERPA "education records" are broadly defined to mean any records that are (a) directly related to a student; and (b) maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3 "Education records." Thus, the type of records to which you refer would be "education records" under FERPA if the records are directly related to the student and maintained by the school. Accordingly, in order for the State Board of Education to disclose the student's education record absent consent of the parent, an exception in FERPA would have to apply that allows for the disclosure absent the prior written consent of the parent, and if not, the parent must provide his or her prior written consent allowing for the disclosure of their child's education records. In this regard, FERPA requires that a consent for disclosure of education records must be signed and dated and must specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.

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

Sincerely,

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Ellen Campbell
Acting Director
Family Policy Compliance Office

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