UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF PLANNING, EVALUATION AND POLICY DEVELOPMENT

(b)(6)

NOV 11 2010

Dear (b)(6)

This is in response to your June 14, 2010, letter to this office in which you allege that the (b)(6) (b)(6) (School) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it disclosed personally identifiable information from the education records of your daughter (Student) to a third party without your prior written consent. This Office administers FERPA which addresses issues that pertain to education records. We will respond to your letter regarding amendment of education records under separate cover.

FERPA is a Federal law that gives parents the right to have access to their children's 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" is defined as those records that contain information 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 a FERPA fact sheet, guidance document, and complaint form.

Under FERPA, a school may not generally disclose personally identifiable information from the education records of a minor student to a third party unless the student's parent has provided written consent. There are several exceptions to FERPA's prohibition against nonconsensual disclosure of education records. However, it does not appear that any of these exceptions apply to your situation.

It appears you are alleging that the School violated your rights when (b)(6), a school official at the School, disclosed information regarding the Student's disability to another individual (or third party) to whom your incoming cell phone calls had been transferred. Please see page six of the guidance document for the types of information this Office requires from parents in order to consider conducting an investigation of an alleged improper disclosure of information from a student's education records.

If you wish this Office to further consider your allegation, we need to receive additional information from you. Please complete the enclosed complaint form and include: your daughter's name, (b)(6) position at the school, the name of the "individual" to whom information from the Student's education records was disclosed, and the specific nature of the information regarding the Student's disability that (b)(6) allegedly disclosed to the individual. Also, if possible, please provide us with a written statement from the individual regarding the disclosure and the specific information that was improperly disclosed. We will review the information you submit and take any appropriate action.

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

Sincerely,

(b)(6)

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosure