APR 7 2011

(b)(6)

Dear (b)(6)

This is to respond to your May 17, 2010, letter to this office in which you allege that the (b)(6) (District) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA) when (b)(6), principal at (b)(6) Elementary School in the District, disclosed an email regarding a disciplinary concern of your son to a third party without your prior written consent. This office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives parents the right to have access to their child'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 directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed is a copy of the FERPA guidance document for parents.

Under FERPA, a school may not generally disclose personally identifiable information from the education records of a student to a third party unless the student has provided written consent. FERPA specifically exempts from the prior written consent requirement those disclosures of education records that are made to other school officials within the educational agency or institution whom the agency or institution has determined to have a legitimate educational interest. A school official is a person employed by the school or institution such as an administrator, supervisor, teacher, support staff, departmental supervisor, legal counsel, or school board member. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

In your letter to this office, you have not provided sufficient information for this office to determine that a violation of FERPA occurred. In order for this office to further consider your allegation, you need to provide this office with the following: a completed copy of the enclosed complaint form; the title of each of the recipients of (b)(6) May 10, 2010, email and general description of their duties within the District; whether these individuals were school officials in the District. Without receiving such information from you, this office is unable to investigate your allegation. Please provide the needed information within 2 weeks after you receive this response. Once we receive this information, we will take any appropriate action.

I trust this addresses the scope and limitations of FERPA as it relates to your allegation.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosures