(b)(6)

APR 28 2011

Dear (b)(6)

This is to respond to your October 28, 2010, letter sent to the U.S. Department of Education, Family Policy Compliance Office (FPCO) in which you express concerns that the (b)(6) (b)(6) (School) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99. This letter also confirms our telephone conversation of February 2, 2010. FPCO administers FERPA, which affords parents and eligible students certain rights pertaining to education records.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10);
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22); or
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. You may review our FERPA Guidance Document for Parents on our website at http://www2.ed.gov/policy/gen/guid/fpco/ferpa/parents.html. You may also find more information regarding FERPA on our website at http://www2.ed.gov/policy/gen/guid/fpco/index.html.

You assert that the above educational agency or institution did not comply with one of the following provisions of FERPA:

____ **FERPA's access provision.** The school did not provide you access to your child's or your education records within 45 days of your request.

__X__ **FERPA's disclosure provision.** The school improperly disclosed information from your child's or your education records.

____ **FERPA's amendment provision.** The school has refused to amend your child's or your education records per your request and not provided you with an opportunity for a hearing on the disputed education records.

Based on the information you provided FPCO, we are unable to investigate your allegation because it does not provide specific allegations of fact which give the Office reasonable cause to believe that a FERPA violation occurred. In order for the Office to initiate an investigation, a complaint must contain such specific allegations.

As discussed in our telephone conversation of February 2, 2011, FERPA does not protect the *confidentiality* of information in general. Rather, FERPA prohibits the improper disclosure of information derived from education records. Therefore, information that is based on opinion or hearsay and not specifically contained in education records would not be protected under FERPA. It appears that the information disclosed in the letter to the editor was based on opinion and hearsay, not information derived from your son's education records. As such, there is no basis on which to initiate an investigation into this allegation.

For further information regarding issues which you believe may be addressed by the U. S. Department of Education, you may contact the Department via our toll-free telephone number at 1-800-USA-LEARN (800-872-5327).

Sincerely,

Kathleen M. Wolan
Program Analyst
Family Policy Compliance Office