(b)(6)

FEB 9 2011

Dear (b)(6)

This is to respond to your September 1, 2010, faxed correspondence 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 it disclosed information from your son's education records to a third party without your prior written consent. Specifically, you state that (b)(6), superintendent of the District, disclosed your son's disciplinary record on March 22, 2010, to representatives of the Military Entrance Processing Station personnel in (b)(6) to which your son was processed as a Marine Corps recruit in its early entry program. 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. Under FERPA, whenever a student becomes eighteen years of age or attends a postsecondary institution, all rights once afforded to the parents transfer to the student. It is not clear whether or not your son is an eligible student (i.e. at least 18 years of age).

Under FERPA, a school may not generally disclose personally identifiable information from the education records of a student to a third party unless the school has received prior written consent of the party who holds rights under FERPA. It is our understanding that when an individual is accepted in the military's early entry program which you describe, he or she or the parents must provide consent which allows for certain disclosures of information. If consent was provided in this instance, no violation of FERPA occurred. If that is not the case, please have the appropriate individual who holds the FERPA rights complete the enclosed complaint form. In the response, please verify the student's date of birth, the name of the individual to whom the information was disclosed along with a written statement from that individual which verifies any disclosure, and whether or not the school was provided a consent form which permitted it to disclose the student's education records to the military. Please respond within 3 weeks after receiving this response. Once this office receives the needed information, we will review it and take any appropriate action.

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

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure