FEB 14 2011

(b)(6)

Dear (b)(6)

This is to respond to your March 17, 2010, letter to this office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated when the (b)(6) (District) disclosed certain of your child's education records to a third party without your prior written consent. Specifically, you state that on November 11, 2009, (b)(6), special education case manager for the District, disclosed a copy of a letter to (b)(6), a driving instructor with the "Driver Education Department of Traffic Education." You state this letter was written by your wife to (b)(6) and included information about your child's mental state and medications. You state this private entity is separate from Stevensville High School. This office administers FERPA, which addresses issues pertaining to education records.

FERPA generally prohibits a school from disclosing a student's education records to third parties unless the parent to which the records relate provides his or her prior written consent. One of the exceptions to FERPA's prior written consent requirement allows "school officials" within the agency or institution to obtain access to education records provided the educational agency or institution has determined that they have "legitimate educational interest" in the information. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. This Office has interpreted the term broadly to include such positions as a teacher; counselor; board member; registrar; counselor; admissions officer; attorney; accountant; human resources professional; information systems specialist; and support or clerical personnel.

To obtain additional information about the driver's education program at your son's school, I spoke on February 9, 2011, with (b)(6), principal in the District, who confirmed that the school district operates the school's driver education program in which your son was enrolled. Accordingly, (b)(6), the school's driver's education instructor, is a school official with a legitimate educational interest (i.e. he needed to know the information about your son in order to perform his professional duties) in your child's education records that were disclosed. Based on the information you provided to this office and information provided by the District, no basis exists for this office to investigate your allegation that the District violated FERPA when it disclosed your child's education record to a District official.

I trust this information is helpful to explain the scope and limitations of FERPA as it relates to your inquiry.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office