(b)(6)

JUN 13 2011

Dear (b)(6)

This is to respond to your March 4, 2011, complaint form to this office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated by the (b)(6) (District) when it disclosed certain information from your education records to a third party. Specifically, you state that (b)(6) superintendent of the District, disclosed information to a military recruiter at the time when you were being processed by the Marine Corps in its early entry program. This office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives eligible students the right to have access to their 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 appears that you are 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. As stated in this office's February 9, 2011, response, when an individual is accepted in the military's early entry program, applicants who are eligible students provide consent which allows for disclosures of education records. If consent was provided in this instance, no violation of FERPA occurred. It appears that you provided your consent to the military which allowed the District to disclose your education records as part of the recruitment process. You have provided no information to dispute this assertion. Accordingly, no basis exists for this office to investigate your allegation.

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