Mr. Bob Mosier
Public Information Officer
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

JUN 14 2011

Dear Mr. Mosier:

This is to respond to your February 22, 2011, letter to this office in which you requested information regarding the Family Educational Rights and Privacy Act (FERPA). Specifically, you request guidance relating to FERPA, which permits schools to disclose certain student information as directory information to third parties. 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 a FERPA regulations and guidance document for parents.

Under FERPA, educational agencies and institutions must annually notify parents of their rights. In this regard, schools are required to notify parents of the right to inspect and review their child's education records and the procedure to do so; the right to seek amendment of records the parent believes are inaccurate and the procedure to do so; and the right to consent to disclosures of education records except to the extent FERPA authorizes disclosure without consent. The notification must also inform parents of their right to file a complaint with this office and it must include a specification of criteria for determining who are school officials and what constitutes a legitimate educational interest in education records. A school is not required to notify parents individually, but rather is required to provide the notice by any means that are reasonably likely to inform parents of their rights. These means could include publication in the school activities calendar, newsletter, or student handbook.

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 from the parent. One exception to this general prohibition permits the nonconsensual disclosure of "directory information." FERPA defines directory information as information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information could include information such as name, address, telephone listing, electronic mail address, major field of study, dates of attendance and the most recent educational agency or institution attended, among other items.

This office has reviewed the District's annual notice of FERPA that was included in its 2010-2011 Parent Handbook. Based on this document, student telephone number is not included as a directory information item. Therefore, in order for the District to disclose telephone numbers to a third party in compliance with FERPA, the District would be required to obtain a parent's prior written consent as discussed above or designate telephone number as directory information in the District's annual notice of FERPA. As discussed with you previously, you may also wish to consult appropriate State officials to determine if any statutes or policies affect the District's ability to comply with third party requests for student information.

I trust that this addresses the issues you raised as they relate to FERPA.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosures