JUN 13 2011

(b)(6)

Dear (b)(6)

This is to respond to your April 19, 2011, letter to this office in which you allege that the (b)(6) (b)(6) (District) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA) when it disclosed information to the parent of your children without your prior written consent. Specifically, you learned since March 28, 2011, that the District superintendent disclosed information from your children's education records based on a Facebook transcript of (b)(6) the parent of your children,. This office administers FERPA, which addresses issues pertaining to education records.

FERPA is a Federal law that gives custodial and noncustodial parents alike the right to have an opportunity to inspect and review their children's education records, unless there is a court order or State law that specifically provides to the contrary. The school may ask for legal certification denoting parenthood, such as a court order or birth certificate, from the parent requesting access to education 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 for your information is a FERPA guidance document for parents. You may also find more information regarding FERPA on our website at: http://www2.ed.gov/policy/gen/guid/fpco/index.html.

You have provided no information to indicate that (b)(6) parental rights have been severed by the court as discussed above. In fact, information which you provided to this office states that both you and (b)(6) "shall have access to all information relating to their children including but not limited to, school records...." See page 17, paragraph 10 of the July 26, 2006, Parenting Plan which you provided to this office. In this instance, the District is required by FERPA to provide (b)(6) a parent, with her children's education records. Accordingly, no basis exists for this office to investigate your allegation that the District improperly disclosed your children's information to her. Finally, (b)(6) decision to post information about your children on Facebook is not addressed by FERPA.

I trust this addresses the scope and limitations of FERPA as it relates to your allegation.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure