(b)(6)

MAR 7 2011

Dear (b)(6)

This is in response to your January 31, 2010, letter to this Office in which you allege that (b)(6) (College) has a practice of violating the Family Educational Rights and Privacy Act (FERPA) by disclosing information from student education records to third parties without the students' prior written consent. Specifically, you allege that the College's Office of Student Conduct has a practice of holding internal conduct hearings for several students at one time and discloses information from each student's education records to the other students in the hearing. This Office administers FERPA which addresses issues that pertain 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" means those records that are 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, a school may not generally disclose personally identifiable information from a student's education records to a third party unless the student has provided written consent. Enclosed for your information is a FERPA guidance document.

This Office requires that a student have "standing," i.e., have suffered an alleged violation in order for us to initiate an investigation of an alleged violation of FERPA. Since you are not alleging that the College violated your rights with regard to the alleged disclosures of education record in the conduct hearings, you do not have standing with regard to your allegation. The statute does not provide for FERPA rights to be vested in a third party who has not suffered an alleged violation.

However, in addition to conducting investigations of alleged violations of FERPA, this Office also provides educational agencies and institutions with technical assistance to ensure they comply with or come into compliance with FERPA. Enclosed for your information is a copy of

a letter of technical assistance from this Office to the College regarding your concern.

I trust that this action is responsive to your concerns.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure