(b)(6)

MAR 2 2 2011

Dear (b)(6)

This is to respond to your December 21, 2010, letter to this Office in which you allege that (b)(6) (College) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99. This Office administers FERPA which addresses issues that pertain to education records.

You allege that the above educational agency or institution did not comply with one of the following provisions of FERPA:

_____ FERPA's access provision.

__X__ FERPA's disclosure provision.

_____ FERPA's amendment provision.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10).
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22).
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for your information are a FERPA Guidance Document and complaint form.

Based on the information you provided this Office, we are unable to investigate your allegation(s) for the following reason(s):

____ Your complaint is untimely. A complaint must be received by this Office within 180 days of the date of the alleged violation or of the date which the complainant knew or reasonably should have known of the alleged violation. (See highlighted portion of the enclosed guidance.)

_____ While FERPA requires that a parent or eligible student be provided an opportunity to inspect and review education records, the law would only require that a school provide a copy of the records or make other arrangements for inspection of the records if certain circumstances exist. (See highlighted portion of the enclosed guidance.)

__X__ FERPA permits educational agencies and institutions to disclose education records to school officials with legitimate educational interest and other specified parties without consent. (See highlighted portion of the enclosed guidance.)

__X__ You have not provided sufficient information for this Office to determine that a violation of FERPA may have occurred. (See enclosed guidance.)

_____ Requests to modify a grade, opinions included in education records, and other substantive decisions are not subject to FERPA's amendment provision. (See highlighted portion of the enclosed guidance.)

It appears you are alleging that the University violated FERPA when (b)(6) associate manager for financial aid, disclosed to (b)(6) you program director, information regarding financial aid you had received. In your letter to this Office, you state:

> . . . On or around 9/30/2010 I approached my program director, (b)(6) about the potential of my not being able to complete the semester as I had no monies to continue driving to and from school. I have sought help through the entire (b)(6) College system from the financial aid department all the way up to the president of the college, (b)(6) . . (b)(6) contacted the financial aid department herself to inquire as to if there was anything they could do for me. . . . During their discussion as (b)(6) informed me later, (b)(6) divulged to her the amount of financial aid I received already. . . .

Based on the information in your letter, it appears that (b)(6) your program director, contacted the financial aid department of the College at your request. Therefore, in this instance, it appears she would have a legitimate educational interest in obtaining the rationale for the College not providing you with additional financial aid.

Generally, a school official has a legitimate educational interest if the school official needs access to information in education records to carry out his or her professional responsibilities. However, the term "legitimate educational interest" is defined by each College in its annual notification of rights.

If you wish this Office to further consider your allegation, we need to receive additional information from you. Please provide us with evidence, such as the College's most recent annual notification in which it defines the terms "school official" and "legitimate educational interest." Also, please provide us with a statement regarding why you do not believe that (b)(6) would have a legitimate educational interest in obtaining access to information in your financial aid records based on (b)(6) position at the college, the situation of her contacting the financial aid office on your behalf, and the College's definitions of the terms "school official" and "legitimate educational interest" it its annual notification.

I trust this information adequately explains the scope and limitations of FERPA as it pertains to our concern.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures