(b)(6)

MAR 16 2011

Dear (b)(6)

This is in response to your December 2, 2010, complaint form to this Office and subsequent communications in which you allege that (b)(6) District) violated the rights of your son, (b)(6) (Student), under the Family Educational Rights and Privacy Act (FERPA) when it disclosed personally identifiable information from the Student's education records to third parties without his prior written consent. Specifically, you allege that the District improperly disclosed the fact that the Student received special education services on page eight of the District's (b)(6) yearbook. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives parents 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 a party acting for the agency or institution. Under FERPA, a school may not generally disclose personally identifiable information from a minor student's education records to a third party unless the parent has provided written consent.

However, once a student turns 18 years of age, he or she becomes an "eligible student," and all rights under FERPA transfer from the parent to the student Based on the information in your complaint form, the Student is over 18 years of age and, as such, rights under FERPP have transferred to him. We asked you to provide us with a signed statement from the Student giving you the right to act on his behalf in this matter. In response, you provided us with a court order giving you the right to act on the Student's behalf in a probate matter that does not appear to be related to his schooling. It does not appear that this document also permits you to act on the Student's behalf in a matter related to FERPA.

Please note that FERPA vests the rights it affords in the parents of minor students and in eligible students. The statute does not provide for these rights to be vested in a third party (such as the parent of an eligible student) who has not suffered an alleged violation. Thus, in order to file a complaint under FERPA, we require that you have "standing," i.e.,

have suffered an alleged violation. You do not have standing with regard to your complaint alleging that the District improperly disclosed information from the Student's education records in the yearbook

In addition to conducting investigations of alleged violations of FERPA, this Office also provides schools with technical assistance to ensure they are in compliance or come into compliance with FERPA. Attached is a copy of our letter of technical assistance to the District regarding your concern.

I trust that this is responsive to your concern. If you have any questions or concerns regarding this matter, you may contact Mr. Ricky Norment of my staff at 202-260-3887.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office

Enclosure