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MAY 3 1 2011

Dear (b)(6)

This is to respond to your March 4, 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 about your child to a third party without your prior written consent. 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 the FERPA guidance document for parents.

FERPA generally requires that an educational agency or institution obtain written consent before disclosing education records or personally identifiable information from education records. Accordingly, FERPA applies to the disclosure of tangible records and of information derived from tangible records. FERPA does not protect the confidentiality of information in general, and, therefore, does not apply to the disclosure of information derived from a source other than education records, even if education records exist which contain that information. As a general rule, information that is obtained through personal knowledge or observation, and not from an education record, is not protected from disclosure under FERPA.

In your letter to this office, you have not provided sufficient information for this office to determine that a violation of FERPA occurred. Based on the information you provided to this office, it appears that the information disclosed by the school principal to the police came from his personal observation. Furthermore, you do not explain which, if any, of your daughter's education records were disclosed by the principal to the police. Accordingly, no basis exists for this office to investigate your allegation that the school disclosed information from your child's education records.

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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