

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to FERPA@ed.gov.

March 25, 1994

Complaint No. XXXX
Family Educational Rights
and Privacy Act

[Letter to Superintendent of School District]

Dear [Superintendent]:

This is to advise you of the finding in the investigation of the complaint which [Parent] filed with this Office under the Family Educational Rights and Privacy Act (FERPA). [The Parent] alleged that [District] violated his rights under FERPA when it did not provide him complete access to his daughter's [Student] education records. Specifically, [the Parent] alleged that when the District responded to his September 3, 1993, request for access to his daughter's education records, it deleted her address and telephone number from the records. He provided a copy of [the Student's] report card which does not include any information in the spaces provided for address and telephone number. [The Parent] also alleged that the District has not responded to his September 15, 1993, request for the name of the school at which his daughter is currently in attendance.

This Office advised you of the allegation by letter dated December 7, 1993, and [], Administrative Assistant, responded on your behalf. In his response, [the Administrative Assistant] states that [the Parent] has had contact with several officials from the District, including the principal of the school his daughter attends, and that "during a September conversation with the Director of Elementary Education, acknowledged he knew that [the Student] was attending [] Elementary School in [], Nebraska." [The Administrative Assistant] further states that [the Student's] mother, [], had requested that the District not disclose any information regarding [the Student] to [the Parent] and that she had also requested that her telephone number and address not be disclosed as directory information.

[The Administrative Assistant] explained that in an effort to honor the requests of both parents, the District disclosed to [the Parent] his daughter's education records with her address and telephone number deleted from them. [The Administrative Assistant] also explained that the principal of [the Student's] school has, on numerous occasions, "visited with [the Parent] by telephone, that a copy of a student-parent handbook has been provided to him, and that District-level staff have participated in conversations with him regarding his daughter's education.

Finally, [the District] provided this Office copies of court papers regarding custody and visitation with respect to [the Student]. In these papers, it appears that there is some concern that the safety

of [the Student] would be at risk if her address and telephone number are disclosed. [The District] advised this Office that last May, after [the Student's] mother was made aware of [the Parent's] attempt to obtain information about [the Student], a change of address was recorded for [the mother] and [the Student] did not attend school the last few days of the 1992-93 school year. He further explained that [the Student] was enrolled in a different school for the 1993-94 school year.

FERPA generally requires schools to provide parents, custodial and noncustodial alike, access to their children's education records unless there is a court order or other legally binding document which revokes a particular parent's right to those records. This right allows parents the opportunity to inspect and review their children's education records so that they remain informed of their children's progress in school and aware of all records maintained by the institution concerning their children. While a student's home address is technically part of his or her education records, it is not information created or developed by the institution that pertains to the student's life as a student, as are academic, disciplinary, or health data. Particularly, in circumstances such as these, where a school district believes that an individual may be at risk, we will not require the school to disclose a student's home address merely because it appears as part of the student's education records. Likewise, we will not require the school district to reveal the name of the school within a school district in which a student is enrolled in these circumstances so long as the district provides access to all of the student's education records. In such case, it becomes the school district's responsibility to provide that parent education records which may be maintained by a particular school.

The District has provided [the Parent] access to [the Student's] education records, absent her address, telephone number, and the name of the school she attends within the District. Thus, the District has fulfilled its obligation under FERPA in complying with [the Parent's] request for access to [the Student's] education records in these circumstances. Therefore, this Office finds that the District did not violate FERPA as alleged. [The Parent] will be notified of this finding by copy of this letter.

Please note that, in ordinary circumstances, a custodial parent's request for a school to not release directory information concerning his or her child would not affect the right of the noncustodial parent to have access to such information. As noted above, any decision by a school to redact a student's home address and telephone number from copies of education records provided to a noncustodial parent must be based on a court order, state statute, or other evidence which gives reason to believe that disclosure of such information would put an individual's safety at risk.

Enclosed for your reference is a model student records policy, which you may wish to use as a comparison to the District's student records policy to ensure that the District is in full compliance with the requirements of FERPA. If you have any questions with regard to the District's policy, the FERPA requirements, or any possible revisions you might deem necessary, you may contact Sharon Shirley of mi staff for technical assistance.

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Thank you for your cooperation with regard to the resolution of this complaint.

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office

Enclosure