Mr. John Dilworth
Superintendent
East Baton Rouge School System
1050 South Foster Drive
Baton Rouge, Louisiana 70806

DEC 15 2009

Dear Mr. Dilworth:

This is in regard to a concern addressed to this Office by (b)(6) (Parent). The Parent alleged that the East Baton Rouge School System (District) improperly disclosed information from the education records of her son, (b)(6) (Student), to a third party. At the time the Parent submitted her complaint to this Office, the Student attended (b)(6) (b)(6) (School) in the District. This Office administers the Family Educational Rights and Privacy Act (FERPA) which addresses issues that pertain to education records.

FERPA is a Federal law that gives parents the right to have access to their children'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. Enclosed for your information is a copy of the FERPA regulations. 34 CFR Part 99.

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. 34 CFR § 99.3 "Education records." Under FERPA, a school is not generally permitted to disclose information form a minor student's education records to a third party unless the student's parent has provided written consent. 34 CFR § 99.30. There are several exceptions to FERPA's general prohibition against nonconsensual disclosure of student education records. 34 CFR § 99.31. However, none of these exceptions appear to apply to the situation discussed below.

In her letter, the Parent alleges that (b)(6), the Student's counselor at the School, disclosed information from the Student's education records to (b)(6), the parent of another student in the District (Other Parent), in a May 19, 2008, telephone conversation. The parent states:

> . . . within this conversation, (b)(6) began to disclose [the Student's] personal information with [the Other Parent] . . . (b)(6) discussed [the Student's] grades, his tardiness, his absences and also the fact that [the District is]

> retaining him [in his current grade] with all the information being verbatim. (b)(6) (b)(6) also discussed the meeting I had with her, the principa (b)(6) and (b)(6) and the outcome of that meeting as well. . . .
>
> (b)(6) then continued to ask the [Other Parent] to please not inform me that (b)(6) had discussed any of this information with her in regards to [the Student's] academics. (b)(6) has violated . . . the Family Educational Rights and Privacy Act.
>
> [The Other Parent] has gotten a copy of her telephone records to also verify that this telephone call took place. . . .
>
> [The Other Parent] gave me permission to disclose her name and contact telephone numbers for whomever to contact her if needed. . . .

In addition to conducting investigations of alleged violations of FERPA, this Office provides technical assistance to educational agencies and institutions to ensure they are in compliance or come into compliance with FERPA. This letter is meant to provide the District with technical assistance regarding the parental consent requirement for disclosure of information from student education records to third parties.

Enclosed for you information is a copy of the Parent's May 20, 2008, letter to (b)(6) (b)(6) former superintendent, regarding this matter. As stated above, there are some exceptions to FERPA's general prohibition against nonconsensual disclosure of education records. However, based on the information in the Parent's letter to (b)(6), it appears that the Other Parent has no connection with the District other than having one or more children who attend school in the District. If this is true, FERPA would generally prohibit nonconsensual disclosure of information from the Student's education records to the Other Parent by (b)(6) or any other school official in the District.

This Office recommends that the District take this opportunity to inform all appropriate officials in the District of the requirements of FERPA, particularly regarding FERPA's general written consent requirement for disclosure of information from student education records. Below is a link to our home page where the District can review additional information regarding FERPA.

I trust that the above information is helpful in explaining the requirements of FERPA as it relates to the Parent's concerns. If you have any questions regarding the Parent's complaint or FERPA in general, you may contact Mr. Ricky Norment of my staff at 202-260-3887.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosures