(b)(6)

FEB 1 2 2010

Dear (b)(6)

This is in response to your March 25, 2009, letter to this Office in which you allege that your rights under the Family Educational Rights and Privacy Act (FERPA) were violated when (b)(6) (School) disclosed information from the education records of your daughter, (b)(6) (Student), without your prior written consent. Specifically, you allege that the School disclosed from the Student's education records information regarding an alleged incident that occurred between the Student and another student on the school grounds. 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 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. 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. Enclosed for your information are a FERPA fact sheet, guidance document, and complaint form.

Under FERPA, a school may not generally disclose personally identifiable information from a minor student's education records to a third party unless the student's parent has provided written consent. However, please note that FERPA does not protect the confidentiality of information in general and, therefore, does not apply to disclosure of information derived from a source other than education records, even if education records exist which contain that information. Rather, FERPA protects information derived from education records from improper disclosure. As a general rule, information obtained through personal knowledge or observation, and not from an education record, is not protected from disclosure under FERPA.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. If you wish this Office to further consider your allegation, we need to receive additional information form

you. Please provide us the name and address of the superintendent of the school district in which the School is located. Also, please provide us with the specific information that you believe was disclosed by a school official from the Student's education records and evidence to support the assertion that such information was obtained from tangible education records and not from personal knowledge or hearsay. We will review the information you submit and take any appropriate action.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concern.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures