(b)(6)

AUG 1 1 2010

Dear (b)(6):

This is to respond to your March 11, 2010, faxed correspondence to the U.S. Department of Education, Family Policy Compliance Office (FPCO) in which you express concerns that the (b)(6) (District) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99. Specifically, you state that a teacher at the District violated FERPA when she stated to a third party that "[she] destroyed your [son's] innocence long ago and because of it none of [his siblings] took [the Advance Placement English Literature course]." FPCO administers FERPA, which affords parents and eligible students certain rights pertaining to education records.

FERPA provides that an educational agency or institution that receives U.S. Department of Education funds may not have a policy or practice of denying parents or eligible students the right to:

- Inspect and review education records (34 CFR § 99.10);
- Seek to amend education records (34 CFR §§ 99.20, 99.21, and 99.22); or
- Consent to the disclosure of personally identifiable information from education records except as specified by law (34 CFR §§ 99.30 and 99.31).

The term "education records" is defined as those records that are directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for your information is a FERPA guidance document.

Under FERPA, parents must provide written consent before personally identifiable information is disclosed from their children's education records, unless one of the exceptions to this general consent rule applies. However, FERPA does not protect the confidentiality of information in general; rather, FERPA prohibits the improper disclosure of information derived from education records. Therefore, if a school official disclosed information about a student that is a result of the official's personal knowledge, observation, or hearsay, then that information would not be protected under FERPA. It appears that the information disclosed by was based on opinion and hearsay, not information derived from your son's education records. As such, there is no basis for this office to initiate an investigation into this allegation.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure