(b)(6)

AUG 19 2010

Dear (b)(6)

This is to respond to your March 16, 2010, letter to the U.S. Department of Education, Family Policy Compliance Office (FPCO) in which you express concerns that (b)(6) (University) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232; 34 CFR § 99. Specifically, you provided this office with a copy of a February 23, 2010 email to you from (b)(6) at the University who stated that "she received numerous reports that you were trying to skirt the requirements of the [University's] MES degree" and that rumors regarding your degree requirements have affected the other students. You appear to allege that (b)(6) statements verify that she violated FERPA because the other students to whom she generally refers could only have learned about your concerns regarding the University's degree requirements from her, since you did not discuss such concerns with other students. 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, students must provide written consent before personally identifiable information is disclosed from their 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. You have not provided any evidence for this office to determine that information from your education records was disclosed by any University official. It also appears that any information disclosed was based on opinion and hearsay, not information derived from your education records. Accordingly, there is no basis for this office to investigate your allegation that the University disclosed information about you from your education records.

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

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure