

JUN 20 2012

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This is in response to your letter, dated June 8, 2012, to the U.S. Department of Education, Family Policy Compliance Office (FPCO). FPCO administers the Family Educational Rights and Privacy Act (FERPA), which affords parents and eligible students certain rights with regard to education records. We have reviewed the information you provided but are unable to determine whether there is reasonable cause to believe that FERPA has been violated. We will need you to submit more specific factual allegations regarding the alleged FERPA violation(s) in order to determine whether to investigate your allegations.

It appears that you are concerned about school officials discussing matters in public that concern your daughter. However, it is not clear that the information was obtained from your daughter's education records. In this regard, please note that FERPA prohibits the improper disclosure of information derived from education records. FERPA does not protect the confidentiality of information in general, and, therefore, does not apply to the disclosure of information derived from a source other than education records, even if education records exist which contain that information. Accordingly, information that is obtained through personal knowledge or observation, and not from an education record, is not protected from disclosure under FERPA.

If you have concerns about your daughter's IEP or IEP team, you should contact the special education director at the California Department of Education:

Mr. Fred Balcom
California Department of Education
1430 N. Street
Suite 2401
Sacramento, California 95814

Additionally, please note that matters concerning conflicts with school officials are handled at the local level, not at the federal level. Therefore, I suggest that you contact the appropriate officials at the school district regarding your concerns.

Enclosed for your reference are a FERPA guidance document and a complaint form. If, after carefully reviewing the guidance document, you believe you do have a timely allegation of a school's failure to comply with your rights under FERPA, please complete the complaint form and return it to FPCO at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202 - 8520

Along with the complaint form, please also include the relevant back-up documentation, such as written correspondence received from the school in response to your concern. Please help us assist you in a more timely manner by outlining the relevant facts clearly and succinctly. Please ensure that any handwritten documentation is legible and easy to understand. We will review the information you submit and take any appropriate action. You may also find more information regarding FERPA on our website at: <http://www2.ed.gov/policy/gen/guid/fpc/index.html>.

Please note that due to the large amount of correspondence FPCO receives, we currently have a backlog we are working to resolve. However, your concerns are very important to us and, once we receive additional information, one of our caseworkers will provide you with a response as soon as possible.

Sincerely,

Dale King
Director
Family Policy Compliance Office

Enclosures