

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to [FERPA@ed.gov](mailto:FERPA@ed.gov).

February 12, 1998

Ms. Martha Dominguez  
Ysleta Independent School District  
9600 Sims Street  
El Paso, Texas 79925

Dear Ms. Dominguez:

This letter is in response to your request for an opinion from the Family Policy Compliance Office. As you are aware, this Office is responsible for administering the Family Educational Rights and Privacy Act (FERPA).

You have asked whether a list of students as well as statements by students contained in a teacher's employment file are education records and subject to FERPA. You have also explained that the list and students' statements are part of the information being subpoenaed by the District Attorney for an investigation of physical abuse of students. Because the list of names and statements by the students are directly related to the student and maintained by the school, this Office considers them to be education records.

As a result, these subpoenaed records may not be released without first notifying the parents of the students and allowing them an opportunity to seek a protective order or quash the subpoena. 34 CFR § 99.31(a)(9).

Sincerely,

/s/

LeRoy S. Rooker  
Director  
Family Policy Compliance Office