

June 28, 2004

Mr. Don L. Bell
Superintendent
Northern Lebanon School District
P.O. Box 100
Fredericksburg, Pennsylvania 17026-0100

Dear Mr. Bell:

(Parent) has filed a complaint with the U.S. Department of Education alleging that the Northern Lebanon School District (District) violated rights afforded the Parent under the Family Educational Rights and Privacy Act (FERPA). This Office, under the authority of § 99.60 of the FERPA regulations (copy enclosed) investigates complaints in accordance with procedures outlined in § 99.65. The section states in summary:

- This Office will notify the complainant and the educational agency or institution against which the violation has been alleged, in writing, if it initiates an investigation of the complaint.
- The notification to the agency or institution under this section shall include the substance of the alleged violation and shall ask the agency or institution to submit a written response to the complaint.

This letter serves to notify you of the allegations, and to summarize a June 15, 2004, telephone conversation between Mr. Dann Brittenham of my staff and Mr. David Yavoich, Principal of Northern Lebanon Middle School. Mr. Brittenham and Mr. Yavoich discussed the possibility of expediting resolution of the FERPA complaint.

The Parent alleges that the District violated the FERPA regulations by disclosing personally identifiable information about the Student without the Parent's prior written consent. See 34 CFR § 99.30. Specifically, the Parent alleges that the District sent to her a postcard (copy enclosed) concerning the Student, postmarked February 12, 2004.

The postcard stated the following:

This card is being sent to you, the parents, to inform you that your son or daughter is not successfully completing the course(s) indicated below and will be placed on probation from his/her activities. An opportunity for tutoring will be provided to help your child improve his academic standing. Please contact your child's teacher at 865-2117 for more information regarding his/her progress.

Student Name:
Course(s)
Teacher(s):

Regarding the phone conversation referenced above, Mr. Brittenham informed Mr. Yavoich that mailing postcards such as the one described above results in an unauthorized disclosure under FERPA because anyone who reads the card would know that the Student is not successfully completing her Math, History, and English classes. Such information generally would come from a student's education records, so the disclosure of the information without the parent's prior written consent would not be permitted under FERPA. Mr. Yavoich agreed that the District should discontinue mailing the postcards, and send any records protected by FERPA to parents in sealed envelopes or by some other secure means to insure the privacy of students' education records.

As stated above, under the FERPA complaint procedures this Office may initiate an investigation of a complaint and request that an institution submit a written response to it. This may lead to further communications with the complainant and institution, after which this Office issues a finding regarding whether there was a violation of FERPA. As discussed with Mr. Yavoich, we believe an investigation of the complaint is not necessary in this case because there does not appear to be any dispute about the facts. Accordingly, the District needs to provide this Office within thirty days of receipt of this letter written assurances that it will take appropriate actions to protect the privacy of students' education records. The assurances should include your agreement to discontinue the use of postcards to communicate personally identifiable information from education records. As an alternative, the District may use sealed envelopes or some other secure means to communicate with parents about such records. In addition, please provide assurances that all appropriate school officials in the District have been informed about FERPA's privacy requirements.

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If you have any questions concerning the Act, the Department of Education's role in its administration, the complaint procedure, or our proposal for resolution of the Parent's complaint, you may contact Mr. Dann Brittenham of my staff. The address and telephone number of this Office are as follows:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901
202-260-3887

Sincerely,
/s/
LeRoy S. Rooker
Director
Family Policy Compliance Office

Enclosures

cc: Mr. David Yavoich
Parent

(Letter of Closing Below)

September 7, 2004

Mr. Don L. Bell
Superintendent
Northern Lebanon School District
P.O. Box 100
Fredericksburg, Pennsylvania 17026-0100

Dear Mr. Bell:

This is to inform you that we are closing the complaint filed by (Parent) against the Northern Lebanon School District (District) under the Family Educational Rights and Privacy Act (FERPA). By letter dated June 28, 2004, this Office informed you of the Parent's complaint.

The Parent alleged the District violated rights afforded her under FERPA by disclosing personally identifiable information from the education records of her daughter (Student) without her prior written consent. Specifically, the Parent alleged that the District sent to her a postcard stating that the Student is not successfully completing specified courses at school and will be placed on probation from her activities. Our June 28, 2004, letter informed you that mailing such postcards results in an unauthorized disclosure under FERPA because anyone who reads the card would know that a student is not successfully completing his or her class requirements. Such information generally would come from a student's education records, so the disclosure of the information without the parent's prior written consent would not be permitted under FERPA.

In your July 14, 2004, letter, you informed this Office that the District will no longer use postcards. Instead, the District will use sealed envelopes when it mails personally identifiable information obtained from students' education records. In addition, you stated that the District will take appropriate actions to assure that District principals, directors, and staff are informed about FERPA's privacy requirements.

Based on the information the District has provided, we are closing the investigation of this complaint and will so inform the Parent by copy of this letter. Thank you for your cooperation in this matter.

Sincerely,
/s/
LeRoy S. Rooker
Director
Family Policy Compliance Office

cc: Parent