

1976 S.C. Op. Atty. Gen. 290 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4434, 1976 WL 23051

Office of the Attorney General

State of South Carolina

Opinion No. 4434

September 1, 1976

\*1 J. T. Willis, Ed.D.

Director

Wil Lou Gray Opportunity School

W. Campus Road

West Columbia, SC 29169

Dear Dr. Willis:

In response to your letter requesting an opinion as to whether or not the Opportunity School can send reports on the academic progress and conduct of students sponsored by the Department of Vocational Rehabilitation to the Department, the School must comply with the conditions imposed by the 'Family Educational Rights and Privacy Act of 1974,' [20 U.S.C. Section 1232](#) or risk losing all federal funds the School now receives. As long as the School complies with [20 U.S.C. Section 1232g\(b\)](#) or [Section 1232g\(d\)](#), copies of which are enclosed, it will not jeopardize its federal funds and will be able to continue sending reports to the Department.

In order to comply with [20 U.S.C. Section 1232g\(b\)](#) for each student under the age of 18 who is sponsored by the Department, the School should obtain parental consent to the sending of a report on the student to the Department prior to sending any report to the Department. The parental consent form should specify: (1) the records to be released; (2) the reason(s) for the release; and (3) to whom the records are being released. A copy of the records to be released should be sent to the parents with the consent form. For a student 18 years old or older, the School must have the student's consent prior to releasing records to the Department.

Yours very truly,

M. Elizabeth Crum

Assistant Attorney General

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