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CANDICE MCQUEEN
COMMISSIONER

Sept. 13, 2017

Dr. Shawn Joseph
Director of Schools
Metro Nashville Public Schools
2601 Bransford Avenue
Nashville, TN 37204

Dr. Joseph,

As noted in the most recent communication with you on this topic on Friday, the department has maintained the position that implementing T.C.A. § 49-13-132 and providing student contact information to the Achievement School District (ASD) is not a violation of the Federal Family Educational Rights and Privacy Act (FERPA) or the state laws protecting the privacy of student information. However, we wanted to provide complete clarity on this issue, so we **proactively requested an opinion on the matter from the attorney general**. We received this opinion today. It is attached for your review.

This opinion supports the department's enforcement of T.C.A. § 49-13-132 and clarifies that the ASD's request for student contact information does not violate FERPA. As the analysis notes, "As a result, school districts and local education agencies in Tennessee can and must comply with both FERPA and § 49-13-132."

Additionally, the policy passed by MNPS Board of Education on Sept. 12, 2017, is in conflict with state law. Local policy does not supersede state law, and therefore MNPS must still comply with § 49-13-132. As a result, we ask that you supply the contact information requested by the ASD and fulfill the requests of any other charter schools or charter authorizers who have requested contact information by **Sept. 25, 2017**.

We have been patient and proactive in our collaboration with you on this matter and allowed for additional time to be allotted for the opinion from the attorney general and for the district to create a second layer of communication with parents so they know their rights under the law. At this point, we are several days past the 30-day deadline for receipt of contact information, so we would appreciate your timely response.

If you do not provide this information by Sept. 25, 2017, to the ASD and any other charter school or charter authorizer who has an outstanding request, we will be forced to consider actions to enforce the law.

Sincerely,

Dr. Candice McQueen
Commissioner