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Use of parental list is faulted - Guilderland School District erred in releasing information, says expert on open government

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GUILDERLAND - Guilderland School District violated federal law when it provided the names and addresses of parents to the teachers union, according to the state's authority on open government.

Last year, Guilderland Teachers Association used those names and addresses to send parents of school-aged children postcards promoting the union's picks in a school board election.

School officials deny that any law was broken, but the district recently imposed a moratorium on releasing "directory" information after complaints by school board members and news coverage of the controversy.

Guilderland's moratorium may be a move away from openness. The district recently rejected a Times Union request under the Freedom of Information Law for a copy of the same information it released to the Guilderland Teachers Association.

The tension between public disclosure and privacy has come under scrutiny locally and nationally at a time when heightened concerns about security are pitting freedom of information against worries over safety.

The moratorium helps to highlight Sunshine Week, a national initiative promoting open government and freedom of information.

Robert Freeman, executive director of the state Committee on Open Government, said the Guilderland school district did not make adequate attempts to notify parents that they could block release of their personal information under the 1974 Family Education Rights and Privacy Act.

"I don't believe what they did before was consistent with the law," Freeman said. "If they don't have a directory information policy, they could not have validly disclosed the list of parents to anyone, including the union."

School districts differ in their interpretation of the federal law that permits the disclosure of directory information - including names, addresses and phone numbers of students and their parents - without parental consent. The statute leaves it up to each district to define directory information.

Some area school districts bar the release of parents' addresses under any conditions because it identifies where students live.

Freeman said Guilderland's notice on its Web site and school calendar was an inadequate effort by the district. He also called the moratorium meaningless.

In last year's run-up to the hotly contested election for school board in May, the union obtained the name and address of every parent in the district and sent them postcards endorsing two candidates and urging passage of the school budget. Both union-backed candidates won.

Melissa Mirabile is a parent angered that her child's information was given out for political reasons.

"They're now identifying every home that has a child in it," Mirabile said, adding that she'd heard from parents worried that the information could reach the wrong hands. Union officials have said the list would not be a factor in the next election, which pleases school board member Peter Golden.

"We're going to have a fair election because the union has agreed not to use the list," said Golden, who questioned the legality of the district aiding the union in promoting the budget to voters.

Superintendent John McGuire, who took over after the information had been released, has denied any wrongdoing by the district.

School board members have said school district attorney Jeffrey Honeywell advised them that releasing the information was legal.

Last week, Honeywell did not recall giving that advice, but said he told the board the district was in compliance with the law in providing notice to parents.

In the past month, he said, district officials sought the opinion of the U.S. Department of Education and were satisfied that the law had been followed.

The district passed the moratorium because "there are areas in the policy that could be clearer," Honeywell said.

Freeman said school districts are sometimes slow to admit mistakes.

"Not all students are above average, not all teachers are perfect and not all board of education members are familiar with the law," he said.

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