

RAÚL M. GRIJALVA  
3RD DISTRICT, ARIZONA

COMMITTEE ON NATURAL RESOURCES

PUBLIC LANDS AND ENVIRONMENTAL  
REGULATION—*RANKING MEMBER*

INDIAN AND ALASKA NATIVE AFFAIRS

ENERGY AND MINERAL RESOURCES

COMMITTEE ON EDUCATION AND THE WORKFORCE

EARLY CHILDHOOD, ELEMENTARY,  
AND SECONDARY EDUCATION

HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

CONGRESSIONAL PROGRESSIVE CAUCUS  
Co-CHAIR

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0307**

WEBSITE: <http://grijalva.house.gov/>

February 17, 2014

1511 LONGWORTH HOB  
WASHINGTON, DC 20515  
PHONE (202) 225-2435 | FAX (202) 225-1541

738 N. 5TH AVENUE, SUITE 110  
TUCSON, AZ 85705  
PHONE (520) 622-6788 | FAX (520) 622-0198

130 NORTH STATE AVENUE  
P.O. BOX 4105  
SOMERTON, AZ 85350  
PHONE (928) 343-7933 | FAX (928) 343-7949

13065 WEST McDOWELL ROAD, SUITE C-123  
AVONDALE, AZ 85392  
PHONE (520) 536-3388 | FAX (623) 748-0451

FACEBOOK: [Facebook.com/Rep.Grijalva](https://www.facebook.com/Rep.Grijalva)  
TWITTER: [Twitter.com/RepRaulGrijalva](https://twitter.com/RepRaulGrijalva)

U.S. Department of Education  
Attention: Secretary Arne Duncan  
400 Maryland Ave. SW  
LBJ Education Building, 7W311  
Washington DC 20202

Dear Secretary Duncan:

In the preceding days, my office and I have received calls regarding Robocalls promoting private schools. The requests for information were varied. Notably, the President of Tucson Unified School District, Ms. Adelita Grijalva requested that my office investigate how private student/parent information was available to a third party, when federal law restricts and protects that information. Tucson Unified School District is the largest public school system in Congressional District Three.

It is this specific inquiry that I believe merits the department's urgent attention. As the representative of Arizona's Third Congressional District, I request that your department investigate whether the recent actions of Arizona's Superintendent of Public Instruction John Huppenthal violate student privacy laws under FERPA, the Family Educational Rights and Privacy Act.

Under FERPA, detailed student information cannot legally be given to third-party entities.

On Feb. 11, Superintendent Huppenthal made a robocall coordinated by a third-party – the Alliance for School Choice – to 15,000 Arizona families encouraging them to enroll their students in private schools by taking advantage of the so-called Empowerment Scholarship Accounts, which provide private school vouchers to students who have family members in the military, who have learning disabilities, who are in foster care or who attend a D or F school.

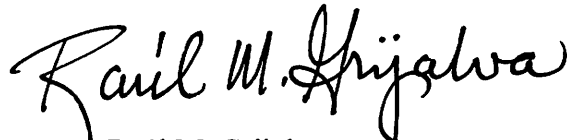
This robocall was part of a \$250,000 marketing campaign by the D.C.-based Alliance for School Choice, encouraging students in Arizona to switch from public schools to private schools, an effort that is being coordinated with the Goldwater Institute.

In 2010, Superintendent Huppenthal, who is running for re-election this year, benefited from a \$63,000 Independent Expenditure campaign funded by the Alliance for School Choice's partner organization, the American Federation for Children. That expenditure funded weeks of radio attack ads against Superintendent Huppenthal's political opponent in 2010.

The requests by Ms. Grijalva has raised questions as to whether confidential student databases were distributed by Superintendent Huppenthal's office to the Alliance for School Choice or any other organization seeking to encourage families to take advantage of private school voucher programs. If protected information, such as child-specific data related to a student's disability or a parent's military service were disclosed to a third-party, this would clearly be a FERPA violation.

I respectfully request that your office urgently investigate this matter and take whatever action may be deemed appropriate under the law.

Sincerely,

A handwritten signature in black ink that reads "Raúl M. Grijalva". The signature is written in a cursive style with a large, looping initial "R".

Raúl M. Grijalva  
Member of Congress  
Education and Workforce Committee

cc: U.S. Attorney John S. Leonardo  
School Governing Board Presidents in U.S. Congressional District Three

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second block of faint, illegible text, appearing to be a main body of the document.

Third block of faint, illegible text, possibly a concluding paragraph or a signature line.

*Handwritten signature*

*Printed name and title*

*Faint text below the signature, possibly a date or reference number.*

*Faint text at the bottom of the page, possibly a footer or additional notes.*