

COMPLAINT UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
(FERPA)

September 5, 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

SEP 26 2013

RE: school, Bay Shore NY In Violation of FERPA

I hereby lodge an official complaint against the School District of BAY SHORE, NY 11706 on behalf of who attends SCHOOL for what I believe to be:

- Inappropriate maintenance of records/content
 A violation of the Family Educational Rights and Privacy Act of 1974.

The nature of the complaint is as checked:

Challenge to Record or Content

- Inaccurate
 Misleading
 Incomplete
 Inappropriate

Record challenged may be identified as:

Title: _____

Date: _____

Person responsible for entry or person currently maintaining record: _____

Date challenged content discovered: _____

Alleged Violations of Act or Regulations

- Failure to provide notification of all rights (totally or in needed language)
 Failure to publish local access and hearing procedures
 Inappropriate person(s) grant denied access
 Failure to provide interpretation assistance as requested
 Failure to provide requested hearing
 Failure to provide uninvolved hearing officer
 Failure of hearing officer to provide written opinion within reasonable time
 Inappropriate sharing of confidential information

XX Other: Failure to recognize my parental rights to access her file, make corrections, or make any disputes. Failure to provide me any relevant notice regarding her special education, IEP, meetings, findings and to participate in her education. Bay Shore School district has also denied me access to the parents portal to review my daughters progress and reports. They are denying me my rights as non custodial parent despite my repeated requests to such information and despite my court order not restricting my legal rights to education information or participation.

Date of Violation: CONTINUED
Date Violation Discovered if different from above:

Other Relevant Information:

Please find letter to Russell Endes, PH D, Executive director pupil personnel services, that I wrote and delivered April 8, 2013 which is the basis, and description of my complaint. I have requested notification of my daughters IEP and special education information several times over the years on phone, as well as in person and finally in the letter I have enclosed.

Please mediate.

Original and only court order also enclosed. Please note that I currently live with my daughter and fully participate in her upbringing and financially.

Yours Truly

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

SEP 27 2013

September 23, 2013

To Whom It May Concern I (b)(6); (b)(7)(C) am writing in regards to my son (b)(6); (b)(7)(C) (b)(6); (b)(7)(C), a special needs child whose rights I feel are being violated while he attends school. For the past few weeks I have sent my child to school, because that's what a good mom does; and every single day he comes home soaking wet. He's not being changed as he should and they are not attempting to take him out of his wheelchair. I am very upset because I feel my child is being mistreated because he can't talk and defend himself. Well I am speaking in his defense and I am not going to tolerate this mistreatment any longer.

This is the second time something has happened to my child while in school I will not give them a third time to cause him harm. If the teachers they have in the classroom to help the special need children are not able perform the duties the job requires, then replace them with someone that can; that is actually there for more than a paycheck. I am a single mother that has to work for a living; therefore my son cannot stay home and not go to school. As a mother my heart hurts and I am disgusted at how my son is being treated like an animal. If I didn't send him to school I would go to jail but I send him to school only for him to be mistreated by people I trust to care for him. Something needs to be done with how school officials treat our children and before something more life threatening happens the time to make changes and let our children and parents know they are not alone has come; and I will not rest until I see the system do better, not *just by my disabled child but by all the children whose rights are being violated by people they look up to and trust.*

Thank you for taking time out of your busy schedule to hear me voice my concern on my child's well-being. I am looking forward to hearing from you very soon.

Sincerely,

Concerned Parent

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

RECEIVED
JUL 25 2013
BY: _____

Family Policy Compliance Officer
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: The Educational Records of (b)(6); (b)(7)(C)

Dear Sir or Madam:

I am writing to file an official complaint against my son's school, The (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (aka (b)(6); (b)(7)(C) specifically the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) for refusing to give me access to my son's educational records via their online parental access portal, Synergy ParentVUE (b)(6); (b)(7)(C)

I first inquired regarding access via an email sent to (b)(6); (b)(7)(C) on May 30, 2013. Ms. (b)(6); (b)(7)(C) is the individual listed on the website, the online access portal they refer to as Synergy ParentVUE. (b)(6); (b)(7)(C)

On May 31, 2013, as I assumed Ms. (b)(6); (b)(7)(C) would request proof of my identity and in an effort to expedite the process, I proactively followed up with Ms. (b)(6); (b)(7)(C) with another email to provide her with attached files containing copies of both my driver's license and my son's birth certificate.

I heard absolutely nothing back from Ms. (b)(6); (b)(7)(C) for several days, so on June 4, 2013, I emailed a copy of the request to a teacher from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) with whom I had discussed issues pertaining to (b)(6); (b)(7)(C) in the past, and I asked her to please forward the email to the proper individual.

On June 5, 2013, I received an email response from Ms. (b)(6); (b)(7)(C) asking for additional information, specifically my custody agreement. I felt this request was a little excessive and invasive as I had already sent her my driver's license and (b)(6); (b)(7)(C) birth certificate listing me as his father. I was also uncomfortable sending private legal documents to a stranger. Nonetheless, I forwarded the custody agreement (my custody document is termed a "Parentage Agreement" and it is a **legal Court Order**) to Ms. (b)(6); (b)(7)(C) via email on June 5, 2013. In fact, I not only sent Ms. (b)(6); (b)(7)(C) the specific page that documented my educational rights in the original Parentage Agreement from April 2006, I sent her the entire original custody document from 2006 (**the legal Court Order**) along with the amended portion from November 2009 in which I agreed to allow my son (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) mother, namely (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) to relocate my son (along (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) to Buckeye, AZ. This amended document (**also a legal Court Order**) confirmed and reiterated that my educational rights had

July 16, 2013

Page 2

not changed, even though my son now lives in Arizona. Only the visitation schedule had changed.

On June 6, 2013, as I had not heard anything back after sending the private legal documents requested by the school, over the course of the day I sent two emails to Ms. (b)(6); (b) to confirm that she received the documents. As Ms. (b)(6); (b)(7) seemed to be very difficult to connect with via email, I copied (b) (b)(6); the principal of (b)(6); (b)(7)(C) and asked him to please review the documents and ask Ms. (b)(6); (b)(7) to grant me access to my son's records.

On the evening of June 6, 2013, I received an email response from yet another employee of (b)(6); (b) This time the response came from (b) (b)(6); the Director of Scholar Services. Ms. (b)(6); conceded that I had the right to access my son's educational records per the documentation I provided, but she wanted to confer with my son's mother first and she would give me my access credentials by the end of the next week. Ms. (b)(6); stated that she needed to contact my son's mother because the document I provided was 7 years old. In an email response on the evening of June 6, 2013, I corrected Ms. (b)(6); and pointed out that the amended document was only 3 and ½ years old, and that I would prefer if she did not contact Miss (b)(6); as I have had to take Miss (b)(6); to Court multiple times over the past three years due to Miss (b)(6); (b) constant violation of the Parentage Agreement, especially with regard to visitation. In fact, there is currently a warrant out for Miss (b)(6); in Illinois (a copy of which I provided to the school). I advised Ms. (b)(6); that Miss (b)(6); will do anything to frustrate and impede my access to my son.

When I once again didn't hear back from the school for days, I followed up with both Ms. (b)(6); and Ms. (b)(6); (b)(7) in an email on June 12, 2013, almost a week later.

Yet again, I did not hear anything back so I followed up with Ms. (b)(6); and Ms. (b)(6); (b)(7) once again via email on June 13, 2013. On June 13, 2013, I heard back from Ms. (b)(6); Ms. (b)(6); **DENIED** my access to the school's website based upon a petition to amend the Parentage Agreement pending for hearing on June 25, 2013 provided to her by Miss (b)(6);

(b)(6); (b)(7) denial of my access has affected me in a number of ways. Clearly, first and foremost, I would like to be able to use the website to ensure that my son is doing well in school. Indirectly, I will also be able to see that he is doing well in general, that he is in fact, alive and well, and attending school in Arizona on a regular basis, despite my not being able to see him as a result of the ongoing missed visitations due to his mother's actions. Additionally, I had hoped to use the information found in the educational records in a separate petition I filed against Miss (b)(6); that was also pending hearing, and the school's denial of access affected the evidence I was able to produce.

(b)(6); (b)(7)(C)

July 16, 2013

Page 3

failed, I am utterly frustrated with the entire situation. Upon legal advice, I filed a rather drastic petition in May 2013 to modify the current Parentage Agreement. Not that it matters, but the petition was filed in an attempt to get Miss (b)(6); (b) attention, and in effort to force her to comply with our current Parentage Agreement (**the legal Court Order**) for custody/visitation as ordered by the Court. Obviously, a petition is simply a request to the Court by the petitioner. The petitioner is asking that the Court make a decision/ruling on an issue. A petition is by no means a legal order or a ruling of the Court. A petition is not law. Several steps must be taken before a petition can become a legal Court Order: 1. Notice must first be given; 2. The Court must hear testimony regarding the petition; 3. The Court must subsequently make a ruling; and 4. The Court must generate an order with regard to the decision made on the issue(s) raised in the petition. **The current Parentage Agreement in force must legally be deferred to regardless of what petitions are pending in Court.** The school had no right to deny my access based upon a petition to the Court to change the Parentage Agreement, a petition that had not yet even been heard by a judge. The school was well aware of the hearing date and refused to grant access to me at the time of request based upon the **possible** outcome of a future Court hearing that could potentially drag on for months or years. There is and was NO Court Order barring me from my rights to my child. Miss (b)(6); (b) could not produce such a document so she chose to skirt the law and try to block my access to my son's records illegally, a process in which the school unfortunately participated.

I emailed an explanation of what a petition is, and what a Court Order is, and I outlined the difference to both Ms. (b)(6); (b) and to Mr. (b)(6); (b) I explained that denying my access to my son's records was illegal as it violated the current Court Order in force, and warned them in emails sent on June 13, 2013 of my intent to file a formal complaint against (b)(6); (b) From that point in time to this day, I have not received a response from anyone at the school.

As it turns out, Miss (b)(6); (b) failed to respond to the petition or to show up for Court on June 25, 2013, so the petition was denied, and the Parentage Agreement that was in force, is still in force. Nothing has changed, and regardless, the school had no right to deny my access in the meantime while my case was being heard.

I feel strongly that I have been wrongfully discriminated against because of my gender. I am the father of the child and therefore, obviously male. I feel preferential treatment has been given to the mother in this case and that the school had no right to defer to the mother as a part of the decision-making process with regard to my accessing my child's records. I believe the legal documents I produced and the persuasive arguments I raised to the school's reluctance to grant access to my son's records more than satisfied any legal burden of proof required of me.

I have also been discriminated against because of where I live geographically. As I live in Illinois and the school is located in Arizona, I am very far away. I do not feel this would have happened if my son attended school in Illinois, within reasonable driving range from my abode. Despite the records being online, and therefore readily available to anyone in the world who has been given a User ID and a password by the administrator of the website, I was denied access.

I feel that I was strung along and ignored by officials at the school. Based upon their behavior, I suspect they never intended to grant my access to my child's records based upon conversations

July 16, 2013

Page 4

they had with the mother, who lives in Arizona and who can speak to them face-to-face and tell them whatever stories she cares to fabricate in my absence. I am in a difficult position as an out-of-state, non-custodial parent, and the school only made it more excruciatingly difficult than it already is.

As of today I have been asking (b)(6) for access to my son's educational records for over 45 days and have spent numerous hours researching and typing requests and complaints. I am tired of jumping through hoops and **I would like the school to grant me access to my son (b)(6), (b)(7)(C) educational records via the Synergy ParentVUE website immediately** based upon the legal documentation I already provided to them.

Thank you for your time and attention to this matter. Please contact me with any questions or concerns. It is easier for me to communicate via email as it is difficult to answer my phone during the day. I look forward to hearing back from you and resolving this problem with The (b)(6), (b)(7)(C) thereby correcting and reversing its employees' unacceptable decision not to allow me to access my son's records through the online website.

Sincerely,

(b)(6), (b)(7)(C)

(b)(6); (b)(7)(C)

SEP 30 2013

September 23, 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

To Whom It May Concern:

I'm writing to make a formal FERPA complaint committed on September 4, 2013 by (b)(6); (b)(7)(C) Manager of Career & Employment Services for (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). At 11:23 AM, I received an email from (b)(6); (b)(7)(C) identifying me by my email address, along with 35 other recent (b)(6); (b)(7)(C) graduates. I notified (b)(6); (b)(7)(C) directly as well as (b)(6); (b)(7)(C) VP of Student Affairs, and (b)(6); (b)(7)(C) Dean of the Business & Human Development Office, of the breach in my personal information.

While people are not addressed by name, many have identifying features in their email address. For instance, my email address (b)(6); (b)(7)(C) has my initial, last name, & birth year. Searching for this email address can lead to even more of my personal information that I did not authorize the school to send. While an email may be considered "directory information", this particular email address is not my "school" email address. It was my personal email address that was given out to this group of graduates.

I was able to identify other graduates also. For instance, (b)(6); (b)(7)(C) a person to graduate with me in the nursing program, as is (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). A quick search of some of the other email addresses gives me personal information on other graduates. For instance, (b)(6); (b)(7)(C) is a link to (b)(6); (b)(7)(C) email address associated with her email address (b)(6); (b)(7)(C) sent by (b)(6); (b)(7)(C). The email address (b)(6); (b)(7)(C) leads me to (b)(6); (b)(7)(C) where I can access her other contact info, work history, etc.

In addition to discussing my status as a graduate of the school with this group of people, we were also all identified as not completing a form required by Missouri Department of Higher Education. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) directed us all to reply to this public email with even more personal information. Personally, I had already given this information to the nursing department as had at least 2 of my fellow nursing graduates.

In this day and age of cybercrime, irresponsibly giving out names, birthdates, and/or email addresses can make for an easy target. (b)(6); (b)(7)(C) needs to have safeguards in place to ensure that student information like this is not shared again. Clearly this is not happening. I am asking that they have a complete review of their IT policies, training for the Career Development Department, and removal of access and/or use of student information from this department unless specific written permission is given by the student or graduate.

Sincerely,

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

SEP 04 2013

August 29, 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

To Whom It May Concern:

I am an eligible student as defined in 34 CFR Part 99 and I am writing to request a FERPA complaint form to report improper disclosures of my education records by my institution to a third party. Please mail the form to the above address.

Thank you for your assistance with this matter.

Sincerely,

(b)(6); (b)(7)(C)

SEP 18 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Re: Release of Documents for Student - (b)(6); (b)(7)(C)

To Whom It May Concern,

I would like to file a complaint under FERPA against the St. Paul Public Schools (SPPS) and (b)(6); (b)(7)(C) school.

(b)(6); (b)(7)(C) from the St. Paul Public Schools refuses to release to me all my daughters records/documents/files etc., including but not limited to her Special Education records including her IEP and/or grant me the right to a hearing (Due Process) under FERPA.

Ms. Camille Lee from the Chicago Office of Civil Rights has also asked Ms. (b)(6); (b)(7)(C) to release the documents, but to my knowledge Ms. (b)(6); (b)(7)(C) continues to refuse to do so. (b)(6); (b)(7) recommended I file a complaint under FERPA.

I have repeatedly been denied full access to all the information or a due process hearing. Over the tenure of my requests Ms. (b)(6); (b)(7)(C) required me to provide different documents each time I requested my daughters information. I was told Ms. (b)(6); (b)(7) required me to hire an attorney to get my daughters records, required my daughters father to sign a release, required me to sign a release, to pay her \$60.00 for over 500 pages of alleged documents in my daughters file, etc. I provided Ms. (b)(6); (b)(7)(C) the requested documents and made arrangements to give her the \$60.00 (in check, cashiers check or cash, whichever she preferred) for the alleged 500 documents, Ms. (b)(6); (b)(7) still refuse to release the documents.

I and the OCR (Camille Lee) ask Ms. (b)(6); (b)(7)(C) to release my daughters Special Education records and IEP to her new school, (b)(6); (b)(7)(C) so my daughters services and transportation could be set up. Ms. (b)(6); (b)(7)(C) still refused to release the documents.

My daughter attended the St. Paul Public Schools, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) from 2006-2013 (Kindergarten to 6th Grade). My daughter is adopted and a special needs child. She has been on an IEP for the

majority of her K-6th grade with the St. Paul Public Schools. I have sole physical and legal custody of my daughter.

This year my daughter transition to (b)(6); (b)(7)(C) (7th Grade) which is outside of the St. Paul Public School district. In June of 2013, SPPS (b)(6); (b)(7)(C) was given the (b)(6); (b)(7)(C) Request to Release records form. At that time (June 7), (b)(6); (b)(7)(C) secretary, (b)(6); (b)(7)(C) informed me that my daughters records were transferred to (b)(6); (b)(7)(C)

In August 2013, I learned SPPS and (b)(6); (b)(7)(C) did not send my daughters complete file to her new school, including, but not limited to her Special Education Files or her IEP. In addition, after repeatedly informing SPPS and (b)(6); (b)(7)(C) my daughter would not be attending (b)(6); (b)(7)(C) (SPPS school) and not to send her school files to (b)(6); (b)(7)(C) I was informed in August by SPPS and (b)(6); (b)(7)(C) they sent the records to (b)(6); (b)(7)(C) anyway. Yet, they continued to refused to send the complete records (b)(6); (b)(7)(C) the school my daughter was enrolled to attend in September 2013.

I would like FERPA to investigate the refusal to provide me my daughters documents, refusal to my right to due process under FERPA for a hearing, etc., and SPPS and (b)(6); (b)(7)(C) refusal to send my daughters Special Education file to (b)(6); (b)(7)(C) I believe SPPS and (b)(6); (b)(7)(C) behavior is harassment, retaliation and interfering with my daughter's special needs by refusing to send her Special Education records to her school, (b)(6); (b)(7)(C) in June of 2013.

I ask that I get a chance to speak with you in the case you investigate the failure to release the files.

Respectfully yours,

(b)(6); (b)(7)(C)

Enclosures

(b)(6); (b)(7)(C)

September 25, 2013

SEP 26 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520
202-260-3887 office & 202-260-9001 fax

RE: FERPA Violation

To Whom It May Concern:

I was recently told by the United States Department of Education Office For Civil Rights to file a complaint through your department because the matter did not fall under their jurisdiction. I have a level III Complaint Hearing with Houston Independent School District Board on October 3, 2013.

On March 8, 2013 one of my daughter's teachers made an inappropriate comment to her in front of the class concerning an active investigation that my daughter knew nothing about. My daughter and I felt violated and knew he did this because he was upset because the investigation was concerning the entire cluster of teachers for my daughter. It is documented by staff that he even said, "tell your dad I'm sorry about the e-mail I sent". We took this as retaliation. We spoke to the Principal, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Officer, (b)(6); (b)(7)(C) PhD that day and they apologized. (b)(6); (b)(7)(C) is a district employee and immediately came to the campus because we were outraged about the matter. On May 1, 2013 (b)(6); (b)(7)(C) indicated that I maybe I was being "too sensitive" about matters at the school.

School: (b)(6); (b)(7)(C) office
Meeting Attendees: Principal (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) PhD.
District: Houston Independent 4400 West 18th St., Houston, TX 77092
Offender: (b)(6); (b)(7)(C)

Please HELP. I do not trust their system to correct the problem. If you look at Attachment A, the 3rd party lawyer received information that the Principal will review confidentiality with the teachers. They should already know it; it is in their teacher handbooks. With this said, has anyone thought about what this documented non-confidentiality has done to the student?

Respectively Submitted,

(b)(6); (b)(7)(C)

Enclosures: Attachment A: Proposed Settlement
Attachment B: Synopsis of Events that lead to Confidentiality Breach
Attachment C: Inappropriate E-Mail from Offender

(b)(6); (b)(7)(C)

SEP 18 2013

September 6, 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920
Phone: 1-800-USA-LEARN (1-800-872-5327)

To whom this may concern,

I am writing to file a complaint on behalf of my son, (b)(6); (b)(7)(C) regarding denial of information on his academic performance at the (b)(6); (b)(7)(C) School. The nature of my complaint is as follows:

- The schools director declined my right of a PTA meeting that was originally schedule for the 23 of August. However, my parental rights are still intact; she declined my appointment due to Ms. (b)(6); (b)(7) choice and evidence with the court order.

Although, The (b)(6); (b)(7)(C) is privately funded, for the above reasons, I believe the school is in violation of certain requirements in the Family Educational Rights and Privacy Act.

Enclosed are copies of relevant documents and correspondence I have received from the (b)(6); (b)(7)(C) concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (b)(6); (b)(7)(C) or by email at (b)(6); (b)(7)(C). Thank you.

Sincerely,

(b)(6); (b)(7)(C)

TO: Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

SEP 24 2013

RE: **Southern University A&M College (Baton Rouge Campus) Student Health Center**
149 Helen M Baron Ave, Baton Rouge, La 70813

I hereby lodge an official complaint against (b)(6); (b)(7)(C) on behalf of myself (b)(6); (b)(7)(C) current Graduate Student.

On April 2, 2013 I (b)(6); (b)(7)(C), was a student patient at The Student Health Center (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Nurse (b)(6); (b)(7)(C) an employee (former) of The Student Health Center Disclosed my medical records with several individual in other department of the University Campus for malicious gain. This is in violation of The Family Education Rights and Privacy Act of 1974.

On May 2, 2013 student patient (b)(6); (b)(7)(C), needed his medical records from The Student Health Center to start Phase I treatment medical plan at another facility. He notified (b)(6); (b)(7)(C) FNP, Director and (b)(6); (b)(7)(C) LPN that he was in need of his medical records. Student patient arrive at The Student Health Center arrive to sign medical release for his records. Student was told by (b)(6); (b)(7)(C) FNP, Director Witness by (b)(6); (b)(7)(C) LPN that she destroyed his medical records. This is inappropriate maintenance of records/contents.

[] Alleged Violations of Act or Regulations

Failure to provide requested hearing

- Failure to provide uninvolved hearing officer
- Failure of hearing officer to provide written opinion within reasonable time
- inappropriate sharing of confidential information
- Failure to provide notification of all rights

Date of Violation: 4/2/2013 5/2/2013
Date Violation Discovered if different from above: _____

- Inappropriate maintenance of records/content
- A violation of the Family Educational Rights and Privacy Act of 1974.

Yours Truly
Student

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

August 26, 2013

SEP 03 2013

COMPLAINT UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA")

To: Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202-4605

RE: School in Violation of FERPA

Complainant Information:

This complaint is brought by (b)(6); (b)(7)(C) on behalf of her son (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) who receives instruction through (b)(6); (b)(7)(C) District, a (b)(6); (b)(7)(C) School who operates physical and online campuses in Arizona.

Complainant:
Phone Number:
Complainant Email Address:

(b)(6); (b)(7)(C)

Recipient Information

School:

School's Address:

School Administrator:
Phone Number

(b)(6); (b)(7)(C)

Preliminary Statement

1. This Complaint is filed pursuant to The Family Educational Rights and Privacy Act ("FERPA") and the implementing regulations set forth therein. 34 C.F.R. § 99, et. seq.

2. Recipient, (b)(6); (b) (b)(6); (b) violated the requirements of FERPA as indicated below:
- a. (b)(6); (b) (b)(6); failed to provide annual notification to parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA.
 - b. (b)(6); (b) (b)(6); failed to notify parents of their right to inspect and review their child (ren)'s education records.
 - c. (b)(6); (b) (b)(6); failed to notify parents of their right to seek amendment of their child's records if they believe the records are inaccurate, misleading, or otherwise in violation of their child's privacy rights.
 - d. (b)(6); (b) (b)(6); failed to inform parents of their right to object to the disclosures of personally identifiable information contained in their child's education records.
 - e. (b)(6); (b) (b)(6); failed to establish specific criteria for determining who is considered a school official and what constitutes a legitimate educational interest prior to disclosing educational records protected under FERPA.
 - f. (b)(6); (b) (b)(6); failed to establish a written policy to identify how parents can amend education records.
 - g. (b)(6); (b) (b)(6); allowed third parties not employed by the school or involved in my son's education to review my son's education records.
 - h. Upon information and belief, (b)(6); (b)(7)(C) (b)(6); failed to maintain an access log that documents who has inspected / obtained my

child's educational records and what the purpose of the disclosure was.

3. In order to address these violations, I request that the Family Policy Compliance Office ("FPCO") investigate this matter to determine whether (b)(6); (b) (b)(6); violated its obligations under FERPA.

Jurisdiction and Venue:

4. The Complainant has not filed complaints with any other agency or institution regarding this issue.
5. This complaint is timely because it is being filed within 180 days of learning about the FERPA violations.
6. (b)(6); (b) (b)(6); is a recipient of federal funds, and as such, the schools it operates are subject to FERPA and the implementing regulations set forth therein. 34 C.F.R. § 99, et. seq.

Statement of Facts

7. My son is a student of (b)(6); (b) (b)(6); and currently receives special education services under the Individuals with Disability Education Act at a private day school. I currently have a due process hearing underway with (b)(6); (b)(6); I recently attended a meeting with (b)(6); (b)(6); regarding evaluations completed on my son. During the meeting there were several people present that were not employed by the school and were not involved in my son's education. These included amongst other things, lawyers from two separate law firms, a legal assistant, and a meeting facilitator hired by the law firm.
8. At the start of the meeting I made a formal objection to the disclosure of my sons protected education records to people who were not involved in his education. The school ignored my objection and continued with the unauthorized disclosure. After the meeting, I asked the school to provide me a copy of their formal policies related to FERPA. The

school did not respond, and after several inquiries, I contacted their attorney who provided a response. In their written response the school acknowledges that they do not have any policies related to student educational records and have not complied with the procedural mandates of 34 C.F.R. § 99, et. Seq, (*See Exhibit 1, Letter from* (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) *Lawyer*).

For all of the reasons above, I am requesting a full investigation of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) COLLEGIATE HIGH SCHOOL DISTRICT to determine if it is complying with the mandates of FERPA.

Corrective Action Requested

Complainant seeks the following relief:

- 1) An order requiring (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) to immediately:
 - a. Provide annual notification to parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA.
 - b. Notify parents of their right to inspect and review their child (ren)'s education records.
 - c. Notify parents of their right to seek amendment of their child (ren)'s records if they believe the records are inaccurate, misleading, or otherwise in violation of their child's privacy rights.
 - d. Notify parents of their right to object to the disclosures of personally identifiable information contained in their child (ren)'s education records.
 - e. Establish specific criteria for determining who is considered a school official and what constitutes a legitimate educational interest.

(b)(6); (b)(7)(C)

- f. Establish a written policy that identifies how parents can amend education records.
- g. Provide parents who currently have children enrolled in its schools, as well as parents who have children who were previously enrolled in its schools, with the opportunity to obtain a copy of their child's student records at no cost to the parent.
- h. Any other remedy that the FPCO deems necessary to ensure (b)(6); (b)(7)(C) is compliant with FERPA and the implementing regulations set forth therein. 34 C.F.R. § 99, et. seq.

Respectfully submitted this 26th day of August, 2013.

(b)(6); (b)(7)(C)



DEPARTMENT OF HEALTH & HUMAN SERVICES

Voice - (206) 615-2290, (800) 362-1710
TDD - (206) 615-2296, (800) 537-7697
(FAX) - (206) 615-2297
<http://www.hhs.gov/ocr/>

OFFICE OF THE SECRETARY

Office for Civil Rights, Region X
2201 Sixth Avenue, Mail Stop RX-11
Seattle, WA 98121-1831

Date: AUG 07 2013

Mr. Dale King, Director
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5920

Re: OCR Transaction #: 13-163870
Whitley vs Idaho State University

Dear Mr. King:

Enclosed please find correspondence from (b)(6); (b)(7)(C) alleges a potential violation of the Family Educational Rights and Privacy Act (FERPA) by faculty at (b)(6); (b)(7)(C)

We are transferring this correspondence to you for whatever action you deem appropriate. (b)(6); (b)(7)(C) has been informed of this transfer.

Thank you for your assistance in this matter.

Sincerely,

(b)(6); (b)(7)(C)

Enclosures: Copy of letter to complainant
Copy of original complaint



DEPARTMENT OF HEALTH & HUMAN SERVICES

Voice - (206) 615-2296, (800) 362-1710
TDD - (206) 615-2296, (800) 537-7697
(FAX) - (206) 615-2297
<http://www.hhs.gov/ocr/>

OFFICE OF THE SECRETARY

Office for Civil Rights, Region X
2201 Sixth Avenue, Mail Stop RX-11
Seattle, WA 98121-1831

Date: AUG 07 2013

(b)(6); (b)(7)(C)

OCR Transaction number: 13-163821

Dear (b)(6); (b)(7)(C)

Thank you for your complaint, which was received by the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), on July 31, 2013. In your complaint, you allege a violation of the Federal Standards for Privacy of Individually Identifiable Health Information (45 C.F.R. Parts 160 and 164, Subparts A and E, the Privacy Rule). Specifically, you state you sent to one of your professors at (b)(6); (b)(7)(C) an e-mail regarding your concerns about the impact of your social anxiety on your studies. You further state the professor responded with a lengthy, detailed e-mail and included several other faculty members in his response to you. As a result, your social anxiety was disclosed to others without your consent.

OCR enforces the Privacy Rule and also enforces Federal civil rights laws which prohibit discrimination in the delivery of health and human services because of race, color, national origin, disability, age, and, under certain circumstances, sex and religion.

The Privacy Rule only regulates protected health information. The definition of protected health information *excludes* individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act (FERPA). The Privacy Rule also excludes information contained in student medical records described at 20 U.S.C. § 1232g(a)(4)(B)(iv) (45 C.F.R. § 160.103). 20 U.S.C. § 1232g(a)(4)(B)(iv) refers to

records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

As the medial information and records in question in this complaint are not covered by the Privacy Rule, we have determined that the HHS Office for Civil Rights is not the appropriate agency to investigate your complaint. However, it appears that the U.S. Department of Education, Family Policy Compliance Office (OCR-FPCO) may have authority to address the issues you raise. Therefore, we are closing your complaint and forwarding it to OCR-FPCO at the following address:

Mr. Dale King, Director
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-5920
Telephone: 1-800-USA-LEARN (1-800-872-5327)

Under the Freedom of Information Act, we may be required to release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

If you have any questions regarding this letter, please do not hesitate to contact (b)(6); (b)(7)(C) of my staff, at (206) 615-2292 (Voice) or (206) 615-2296 (TDD). When contacting this office, please remember to include the transaction number that we have given this file.

Sincerely yours,

(b)(6); (b)(7)(C)

Enclosure: Copy of transmittal letter to OCR-FPCO

June 5, 2013

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

RECEIVED
BY: _____

(b)(6); (b)(7)(C)

RE: Unauthorized Disclosure of Student Records to a 3rd Party and Files kept at Faculty's home

(b)(6); (b)(7)(C) (named defendant in the lawsuit for discrimination/retaliation) Faculty Advisor

(b)(6); (b)(7)(C) (named defendant in the lawsuit for discrimination/retaliation) Director of Field Education

(b)(6); (b)(7)(C) (named defendant in the lawsuit for discrimination/retaliation) Deputy President currently, formerly the Dean of Social Work

(b)(6); (b)(7)(C) "housemate")

To Whom This May Concern:

I was a graduate student at (b)(6); (b)(7)(C) in the School of Social Work and on January 8th, 2013, there was a 10 day, federal trial against (b)(6); (b)(7)(C) and the above individuals, for pregnancy discrimination and retaliation, which an 8 person jury found in my favor on both claims against the school. During this time, I learned that there was a violation of FERPA in regards to my student records. The above individuals were aware that there was a FERPA violation in the documentation provided to (b)(6); (b)(7)(C) in a motion that was filed in 2012 and took no action to correct the situation. I have had problems in the past requesting my student file from the University. My initial request for the file, October 2008, there were documents missing from the file and when I called the school to inquire about the missing documents, I was told that they were either "lost or destroyed" by a School of Social Work Assistant to the Dean. Due to discrepancies back then and the school wanting me to sign a waiver, to any future files unless new information was added, which was in violation of FERPA. At that point, I had to contact your office to explain the predicament and your office contacted the school and that situation was successfully resolved. Due to pregnancy discrimination and retaliation against me, there was a lawsuit filed and then discovery process. During discovery process, we requested my complete student file, the file was produced by (b)(6) and it was not until later on in the discovery process, were some of the documents that were missing from my original student file,

were then produced by (b)(6); (b)(7)(C). These documents were produced a few months later and were managed and maintained by her "housemate". During the trial, (b)(6); (b)(7)(C) a faculty member at (b)(6); (b)(7)(C) testified that her "housemate", (b)(6); (b)(7)(C) had access to my student file that was kept and managed at their home, because (b)(6); (b)(7)(C) "didn't want to be bothered with" the paperwork and never went to the school to drop the paperwork off or pick it up. (b)(6); (b)(7)(C) testified that the school would send her the documents/records through the mail. Therefore, not only were the documents not produced in my initial request in 2008 and 2009 or during discovery when they were requested but the documents were process recordings and a learning plan, which are graduation requirements for the school and to be kept by the school. The documents were filed "in her briefcase" and in her "home office" managed by her housemate. (b)(6); (b)(7)(C) also testified that (b)(6); (b)(7)(C) typed up (b)(6); (b)(7)(C) response's to my grade appeal, therefore the housemate having access to my personal information, my internship evaluations, my learning plan and goals (requirement for graduation), my supporting documentation for the appeal, my grade transcripts, complaint to the internal Office of Equal Opportunity Office at (b)(6); (b)(7)(C) internal emails, affidavits from individuals, and other confidential documents. (b)(6); (b)(7)(C) and the named defendants are still employed and working for (b)(6); (b)(7)(C) and did nothing to correct the situation. They were aware that sending personal information and keeping those records outside of the school were against FERPA. The school has an entire webpage dedicated to how the records are to be kept. Therefore, allowing a third party person access to my records and documents, being kept at her house is in violation of FERPA. I did not authorize this and the school was made aware on several occasions. (b)(6); (b)(7)(C) also testified that she had other student's records. I hope this issue will be resolved with the assistance from your office. I do have deposition transcript and trial testimony should you wish to see them. Please do not hesitate to contact me with any questions.

Sincerely,

(b)(6); (b)(7)(C)