











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

January 10<sup>th</sup>, 2013

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

My name is (b)(6); (b)(7) and I teach at two local colleges. I have a FERPA dilemma that needs to be solved. I have a fairly good grasp on FERPA requirements and knows what not to do to stay within the guidelines.

My question pertains to sign-in sheets. For starters, I know better than to pass around a pre-printed sheet to my class with the students names along with other identifying information such as SSN or ID numbers. That is a clear violation. Some of my colleagues believe that using a sign-in sheet with only the students names (with no other identifying material) is a violation. The students then sign by their names and pass the sheet onward during the class lecture. Does this scenario violate FERPA? <

You may reach me by the above information or send an email to (b)(6); (b)(7)(C) I thanks you for your time.

Sincerely,

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







August 1, 2013

U.S. Dept of Education  
400 Maryland Ave SW  
Washington DC 20202  
Attention of: Family Policy Compliance Office

To whom it may concern,

I am writing to file a complaint on behalf of any and all students at (b)(6); (b)(7)(C) and the (b)(6); (b)(7)(C) whose work and personal details have been posted, without their expressed consent, in a Yahoo supported public forum by Professor (b)(6); (b)(7)(C). This forum is called (b)(6); (b)(7)(C) Studies. The link to this forum is (b)(6); (b)(7)(C)

Professor (b)(6); (b)(7)(C) who teaches philosophy and religious studies at both of the aforementioned college has posted repeatedly and for over a decade links to his students' work which I understand are repeated violations of FERPA. My concern is that since my own personal information has been posted in that forum without my consent, this includes my address and full name and identifying information, that this professor has demonstrated a complete lack of regard for the privacy of others. I am asking that the U.S. Dept of Education please look into this matter in order to protect the rights and privacy of past, present, and future students of Professor (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) Studies is an unmoderated forum.

Just a few of the links, this is not a totalizing list, I've seen Professor (b)(6); (b)(7)(C) post in his forum of student's work includes:

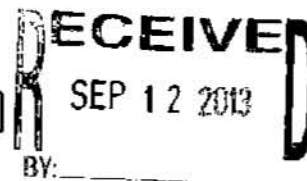
(b)(6); (b)(7)(C)

and he has also posted students' names in his forum as well as the classes they were taking from him which troubles me after now having had my own personal information and personal emails posted (again without my consent) in his public forum.

I wish to remain anonymous as I need to protect my family and myself from any harm that might result from my complaining to the Dept of Education as initiated by Professor (b)(6); (b)(7)(C). And as I am not a wealthy person if he were to attempt to initiate a lawsuit against me from bringing this matter to your department's attention I am not in a position to hire an attorney at present.

Thank you for your time and consideration of this matter.

August 28, 2013



FERPA Violations at (b)(6); (b)(7)(C) (b)(6)

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

The following violations have been and continue to be done at a (b)(6) a graduate school for national security and international relations in

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

There has been almost no FERPA training for (b)(6) staff until spring 2013 and a few staff members and the majority of the faculty did not complete the computer training session, including the president.

For years admissions applicant records have not been managed properly (going back to 2000 and beyond):

- Admissions Office:  
Door is left open and unguarded with easy access to admissions records  
Door is left unlocked at times
- Admissions applicant files:  
Faculty have taken records home and on recruiting trips to read

Recruiting staff with desks in hallway area leave folders open on their desk when they leave at night. They do not cover the information and put away. Social Security numbers and other sensitive information are left for anyone to see and/or take.

- Admissions faxes:  
Fax machine is in open area and incoming faxes with student info, especially social security numbers and medical information, have been left on machine for all to see and anyone to take
- Student documents are not kept in fire proof cabinets, as required by FERPA.
- President revealed a student's name and military rank in an email that was circulated to individuals outside of the scope of FERPA law

May 2013- (b)(6) Founder and President referenced a student by specifically stating his name and rank, directly after seeking legal counsel who gave him specific legal advise to the contrary. He was advised to use "the student in question..." or such. He blatantly disregarded counsel and within hours sent the email with personal information. The actions of the President endangered the military career of said officer and has yet to be resolved.

- (b)(7)(C) regularly provides sensitive personal information about students to third parties and third party vendors without any signed privacy agreement.
- There are no written disciplinary procedures that address FERPA violations. I had to personally address a number of FERPA violations on my own. Every violation was down played and was not addressed at a management level.
- There is no procedure for disposing of student information. I found personal student information going back as far as 5 years, in an old file cabinet in an unlocked storage room.
- There is no management of Data custodians
- There are no procedures for data breaches even though we have servers that are onsite in an unlocked room. The room can not be locked because the room does not circulate air and a closed door would overload and overheat the servers. Many days the smokers in the office leave the back door ajar, which give direct access to the server room without entering the front door.

Overview, there are no policies or procedures in place to be compliant with FERPA law.

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

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

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

August 27, 2013

**COMPLAINT UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA") AND THE PROTECTION OF PUPIL RIGHTS AMENDMENT ("PPRA")**

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

**RECEIVED**  
BY: \_\_\_\_\_

RE: School in Violation of FERPA and The Protection of Pupil Rights Amendment

**Complainant Information:**

This complaint is brought by (b)(6); (b)(7)(C) on behalf of her son (b)(6); (b)(7)(C) who attends the (b)(6); (b)(7)(C) a (b)(6); (b)(7)(C) School with multiple 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 Protection of Pupil Rights Amendment ("PPRA") and the implementing regulations set forth therein. 34 C.F.R. § 99, and 34 CFR Part 98, et. Seq.

**The Family Educational Rights and Privacy Act ("FERPA")**

2. Recipient, (b)(6); (b)(7)(C) provided a basic notification regarding FERPA, however the notification did not comply with the procedural mandates of 34 C.F.R. § 99. As such, I believe (b)(6); (b)(7)(C) violated the requirements of FERPA as indicated below:
  - a. (b)(6); (b)(7)(C) provides a notification that tells parents that we have the right to inspect records, however the notification never provides parents the procedures we must use to exercise our right to inspect and review education records.
  - b. (b)(6); (b)(7)(C) notification says that parents can request an amendment to student records, however the notification never provides the procedures parent's must use for requesting amendment of our children's records, if we believe the records are inaccurate, misleading, or otherwise in violation of our child's privacy rights.
  - c. (b)(6); (b)(7)(C) has a routine practice of disclosing education records to a wide variety of people. Based on discussions with the school at a recent meeting, they believe any person they deem appropriate can receive my child's educational records. These parties include school administration, District Administration, other school employees who are not my child's teachers, cafeteria workers, office staff as well as consultants. I am very concerned because I do not believe many every District employee has a legitimate educational interest in my child's records.
  - d. (b)(6); (b)(7)(C)s notification states they can disclose records to people with a legitimate educational interest, however (b)(6); (b)(7)(C) has failed to specify a criteria for determining who constitutes a school official and what constitutes a legitimate educational interest prior to disclosing educational records protected under FERPA. Without designating who is a school official and what constitutes a legitimate educational interest, I believe they are violating my rights through their continual disclosure.

child's educational records to these third parties may not comply with FERPA regulations.

11. In addition, over the past year (b)(6); (b)(7)(C) has completed survey's and collected information about my children. I am concerned that this information has been used in their marketing and sales efforts.

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

### **Corrective Action Requested**

I am seeking the following relief from the FPCO:

- 1) Take actions that require (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 and the PPRA.
  - 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.
  - f. Establish a written policy that identifies how parents can amend education records.

- g. Rescind its current policy that refuses to allow parents to obtain copies of records and insists that records can only be viewed at the district office.

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. Require (b)(6); to develop policies, in consultation with parents, regarding the PPRA and how they will conduct protected surveys or how they will collect, disclose or use personal information they obtain from students for sales and marketing.
- i. Require (b)(6); to provide notice to parents of their right to opt their children out of protected information surveys.
- j. Require (b)(6); to provide notice to parents of their right to opt their children out of activities involving collection, disclosure, or use of personal information for marketing or to sell or otherwise distribute the information to others.
- k. Withhold further payments under any applicable program until (b)(6); comes into compliance.
- l. Any other remedy that the FPCO deems necessary to ensure (b)(6); is compliant with The Family Educational Rights and Privacy Act ("FERPA") and The Protection of Pupil Rights Amendment ("PPRA") and the implementing regulations set forth therein. 34 C.F.R. § 99, and 34 CFR Part 98, et. Seq.

Respectfully submitted this 27<sup>th</sup> day of August, 2013.

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202  
Phone: 202-260-3887  
Fax: 202-260-9001

DEC 23 2013

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

**Complaint of PPRA violation.**

c) The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term applicable program is defined in section 400 of the General Education Provisions Act.

34 C.F.R. § 99.60

The Secretary proposes to amend the regulations implementing section 444 of the General Education Provisions Act, which is also known as the Family Educational Rights and Privacy Act of 1974, as amended (FERPA). These proposed amendments are necessary to ensure that the Department's implementation of FERPA continues to protect the privacy of education records, as intended by Congress, while allowing for the effective use of data in statewide longitudinal data systems (SLDS) as envisioned in the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act (COMPETES Act) and furthermore supported under the American Recovery and Reinvestment Act of 2009 (ARRA). Improved access to data contained within an SLDS will facilitate States' ability to evaluate education programs, to build upon what works and discard what does not, to increase accountability and transparency, and to contribute to a culture of innovation and continuous improvement in education.

Family Educational Rights and Privacy, 76 FR 19726-01

During the week of November 3- 10, 2013 my children were taken out of lunch at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) school (b)(6); (b)(7)(C) and questioned by the school social worker (b)(6); (b)(7)(C) (state license number (b)(6); (b)(7)(C))

Authorized Representative (§§ 99.3, 99.35)

Statute: Sections (b)(1)(C), (b)(3) and (b)(5) of FERPA (20 U.S.C. 1232g(b)(1)(C), (b)(3) and (b)(5)) permit educational agencies and institutions nonconsensually to disclose PII to "authorized representatives" of State and local educational authorities, the Secretary, the Attorney General of the United States, and the Comptroller General of the United States, as may be necessary in connection with the audit, evaluation, or the enforcement of Federal legal requirements related to Federal or State supported education programs. The statute does not define the term authorized representative.

Family Educational Rights and Privacy, 76 FR 19726-01



34 C.F.R. § 100.1  
§ 100.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.

(Authority: Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d)  
SOURCE: 45 FR 30918, May 9, 1980, unless otherwise noted.  
AUTHORITY: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1, unless otherwise noted

34 C.F.R. § 100.1

The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance

42 U.S.C.A. § 2000d (West)

. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities--including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq

42 U.S.C.A. § 2000d (West)

Through this Executive Order, discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

42 U.S.C.A. § 2000d (West)

Federally conducted education and training programs and activities" includes programs and activities conducted, operated, or undertaken by an executive department or agency.

"Education and training programs and activities" include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and teacher training programs.

42 U.S.C.A. § 2000d (West)

Any person who believes himself or herself to be aggrieved by a violation of this order or its implementing regulations, rules, policies, or guidance may, personally or through a representative, file a written complaint with the agency that such person believes is in violation of this order or its implementing regulations, rules, policies, or guidance. Pursuant to procedures to be established by the Attorney General, each executive department or agency shall conduct an investigation of any complaint by one of its employees alleging a violation of this Executive Order.

42 U.S.C.A. § 2000d (West)

Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance, including removal from employment, where appropriate, shall be taken in compliance with otherwise

the entire "educational record" unlawfully due to discrimination. In an attempt to discriminate against my family or anyone.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C.A. § 1232g) does not itself give rise to a private cause of action, but creates an interest that may be vindicated in an action under 42 U.S.C.A. § 1983, it was held in *Fay v South Colonie Cent. School Dist.* (1986, CA2 NY) 802 F2d 21

Although the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C.A. § 1232g) does not itself give rise to a private cause of action, it was held in the following cases, parties aggrieved by an alleged violation of FERPA may bring an action pursuant to 42 U.S.C.A. § 1983 to vindicate their federal statutory rights.

The court also (1) noted that a § 1983 violation is a species of tort liability in which the level of damages is determined by applying principles derived from tort law;

, In determining whether a private right of action exists when a statute does not explicitly provide for such, the court held, it must be considered whether (1) the plaintiffs are of a class for whose benefit the statute was enacted, (2) there is legislative intent to provide or deny the remedy, (3) the private remedy is consistent with the underlying purpose of the legislation, and (4) the cause of action is traditionally relegated to state law.

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child.

Immunity from liability granted to reporting person or institution, when--exception--preliminary evaluation required, when.

210.135. 1. Any person, official, or institution complying with the provisions of sections 210.110 to 210.165 in

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

**RECEIVED**  
DEC 11 2013  
BY: \_\_\_\_\_

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

Dear FPCO:

I am writing re: a matter concerning records requested for both of my daughters, (b)(6); (b)(7)(C). First, on 11/18, I contacted (b)(6); (b)(7)(C) School in (b)(6); (b)(7)(C) to request records for my daughter, (b)(6); (b)(7)(C) & was told by (b)(6); (b)(7)(C) from the records dept, that per the school/county policy the only parent who has access to my daughter's records is the parent that enrolled her in school. I notified her that as her birth parent, I have the rights to my daughters records & she continued to deny me the right & access to these records. I then contacted the Mobile County Public Schools board at (251) 221-4000 & spoke w/a woman (approx 0:45am EST) in student services (name unknown) who reported to me that the school is correct & that I cannot access my daughters' records unless I enrolled them in school so the school cannot help me. She did, however, give me a number to the school board student records dept (b)(6); (b)(7)(C). I left a voicemail message at this number for (b)(6); (b)(7)(C) (couldn't understand her name), who later called me back & left me a voicemail on 11/21 stating that I need to contact the school to request these records. I left (b)(6); (b)(7)(C) another voicemail stating that this was attempted & that I was unable to obtain requested records. I never received a return call. In addition, I have left several messages for (b)(6); (b)(7)(C) in student records at (b)(6); (b)(7)(C) School, where my daughter (b)(6); (b)(7)(C) attends (b)(6); (b)(7)(C) 11/18, 11/19, & 11/26, requesting a return call & have still yet to receive a return call from her. It has been very frustrating getting access to my daughters' records through this county, especially being out of state. I feel as though I am getting run around & this has been going on since 11/18. I am really pressed for time as my daughter's were taken out of Florida against a court order & those records are needed to show the judge that the children are out of the state of FL on a permanent basis. There is no court order denying me access to these records & I am their biological mother which the school should have record on both of my daughters' birth certificates.

I would appreciate any assistance in this matter. My only concern is that I am denied access to my daughters' records as a birth parent & I believe that I should have access to them. I can be contacted via my cell number at (b)(6); (b)(7)(C) or via email at (b)(6); (b)(7)(C) or by mail at (b)(6); (b)(7)(C)

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









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

December 29, 2013

JAN 06 2014

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

Dear Sirs:

This letter is my complaint pursuant to the Family Educational Rights & Privacy Act regarding (b)(6); (b)(7)(C) The University, by not providing me with the opportunity for a hearing and by not providing me a complete copy of all my student records, did not meet its obligations to me under the Act.

I attended (b)(6); (b)(7)(C) from August, 2012 until May, 2013, when I was dismissed for poor academic performance. I subsequently requested a copy of my student records from the University Registrar but received only some of the records. I again wrote to the University Registrar and Director of Academic Records on August 14, 2013, to note that I was aware of specific documents that were part of my student records and that the University had not provided them to me. In that letter I also requested that the University note in my records that I had not been provided with any specific help by the University in addressing my academic situation, unlike the help that other students at the University received. The University did not grant my request or provide me an opportunity for a hearing regarding my request. It also sent me a letter dated November 5, 2013, stating "there are no further records that are responsive to your request" in answer to another letter I sent on October 12, 2013.

As well as not providing me with a hearing, the University did not conduct an adequate search of its files for my student records. The University had one of its employees, (b)(6); (b)(7)(C) search for e-mailed messages between us but otherwise the University did not provide me with records other than my dismissal letter and two letters regarding Advanced Placement. The University either did not conduct a thorough search of its responsive records or chose not to provide me with the complete records.

Accordingly, I am filing this complaint. I request that you investigate this situation. I have a need to review my complete academic records so that I have a better picture of how I failed academically. That will help me identify and address things I need to change so that I can succeed as I continue my education. I also want my student records to reflect that the help




provided other struggling students was not made available to me.

I am enclosing copies of my August 14th and October 12th letters and the University's responses. On your request, I can provide copies of other documents.

Very truly yours,

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





December 23, 2013

JAN 13 2014

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

Re: FERPA Breach Notification

Dear Sir or Madam:

**(b)(6); (b)(7)(C)** submits this letter to inform your office of a limited data security breach, which involved FERPA protected information.

On November 24, 2013 the Office of Information Technology (OIT) was informed that a laptop belonging to a faculty member had been stolen. The unencrypted laptop contained the faculty member's FERPA protected grade information for several classes totaling 165 students. No other personally identifiable information, such as social security numbers or financial information, was contained on the laptop. The University consulted and reviewed the Data Breach Response Checklist on the Privacy Technical Assistance Center and, after considering the specific circumstances, decided against individual notification. The University reached this decision for two reasons. First, the information that is in jeopardy of disclosure does not lend itself to identity theft or specific individual harm. While the protection of FERPA information is of great importance to the University, that information does not have utility for individuals engaged in the theft of individually identifiable information. Second, the notification would most likely cause undue and unnecessary concern.

The University has discussed with the faculty member and the department the importance of physically securing devices that store electronic information and have reviewed our existing policies with them. The University's OIT security policies, including data security and identity protection, may be found at:

<http://www.wmich.edu/it/policies>

Western Michigan University is aware that reporting FERPA data breaches to the Department of Education is not mandatory; however, the University wanted to self-disclose this event so that the Department is aware of the event and the actions taken by the University to address it.

Should you have any questions or concerns, do not hesitate to contact me.

Sincerely,

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

1903 W. Michigan Ave., Kalamazoo, MI 49008 5204  
PHONE: (269) 387-2380 FAX: (269) 387-2377  
WEBSITE: www.wmich.edu

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

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

Re: FERPA Complaint against (b)(6); (b)(7)(C)  
Adams 12 Five Star School District ("Adams 12")  
Student: (b)(6); (b)(7)(C)

Dear Department of Education Representative:

Our son (b)(6); (b)(7)(C) has attended (b)(6); (b)(7)(C) (an online (b)(6); (b)(7)(C) school) since fifth grade. (b)(6); (b)(7)(C) is now a (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C).

Since initial enrollment, (b)(6); (b)(7)(C) has been eligible for an Individual Education Plan and remains the beneficiary of one today.

Despite repeated requests for student records, (b)(6); (b)(7)(C) has refused or neglected to supply the requested student records concerning (b)(6); (b)(7)(C). The attached emails outline the timeline and documents requested.

By way of background, the authorizing school district for (b)(6); (b)(7)(C) is Adams 12 Five Star School District. Prior to making a document request to (b)(6); (b)(7)(C) I contacted Adams 12 Five Star School District and their representative suggested that a very broad document request be made – in view of the statement that they had no idea how (b)(6); (b)(7)(C) maintained its records.

(b)(6); (b)(7)(C) utilizes K-12 Inc. instructional materials, as well as management services from that for-profit company.

As the emails indicate, (b)(6); (b)(7)(C) (presumably at the direction of K-12) has taken the position that virtually all student records are only available if payment is made under the Colorado Open Records Act.

(b)(6); (b)(7)(C) seems to take the position that emails, letters and other communications concerning (b)(6); (b)(7)(C) are not subject to FERPA.

Despite the passage of numerous IEP meetings since document requests were made, (b)(6); (b)(7)(C) has refused or neglected to comply with its obligation. My husband and I both feel that to meaningfully participate

in the IEP process, parents must have access to information, and be empowered to act on it. Clearly, as a recipient of Federal funds, (b)(6) must comply with laws and regulations.

Under both FERPA and the IDEA, (b)(6) is prohibited from charging for search time. Obviously, as a public entity, (b)(6) maintains the ability to tag or otherwise flag documents that pertain to our son – especially in the special education realm – that could make those records readily accessible.

I have made efforts to limit the requested records (see emails). (b)(6) on the other hand has refused or neglected to even identify where (b)(6); (b) student records are located or maintained – also in direct violation of federal law.

Please be advised that (b)(6) is fully aware of the Letter to (b)(6) (2006) that addressed the core issues presented here. My Memorandum dated May 21, 2012 and directed to (b)(6) quotes from the Letter to Husk:

The District [shall] ... have procedures in place to ensure that parents are afforded an opportunity to inspect and review, at no cost to the parent, any handwritten, typed, or computer-generated notes, including email messages, authorized by school district personnel and other service providers that personally identify a student or parent, and to ensure that service providers and other school officials do not destroy these records so long as there is an outstanding request to inspect and review them.

On May 22, 2012, (b)(6) stated: "I want to be clear that we will proceed on the disclosures required by FERPA..." (b)(6) has refused or neglected to honor this promise.

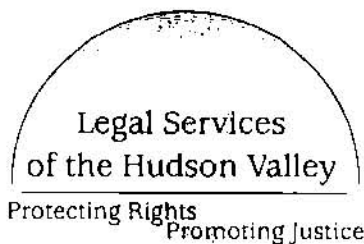
On August 9, 2012, I again made the request in writing for (b)(6); (b) student records. This request followed a phone call with (b)(6) in which it was indicated that (b)(6); (b)(7(C)) (Head of School) had reviewed (b)(6); (b) student records. She later indicated that she had only reviewed certain IEP records. Nonetheless, no additional records were supplied.

As a parent of a special needs child, (b)(6) continues to prevent (b)(6) and his parents to work on a level playing field and to have the meaningful input into his IEP issues as Congress intended. With all due request to (b)(6) it has been more than 5 months since the May request was made for records and its promise to comply with FERPA on May 21, 2012. It has also been nearly four months since my August 2012 request for student records.

Please provide (b)(6) with the incentive to promptly supply all requested documents. In view of yet another IEP in the offing -- again without the benefit of requested documents, this matter needs to be addressed promptly.

Sincerely,

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



www.lshv.org

DEC 13 2013

**WESTCHESTER**  
90 Maple Avenue  
White Plains, NY 10601  
914 949 1305

December 9, 2013

30 South Broadway  
Yonkers, NY 10701  
914 376 3757

**VIA CERTIFIED MAIL AND FACSIMILE (202-260-9001)**

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

100 East First Street  
Suite 810  
Mount Vernon, NY 10550  
914-813 6880

**RE: Violation of FERPA complaint: Yonah Adler-DOB 1/29/03**

137 North Division Street  
(in St. Peter's Church)  
Peekskill, NY 10566  
914-736-3633

To Whom It May Concern,

I am the attorney for parent (b)(6); (b)(7)(C) and her son, (b)(6); (b)(7)(C), a (b) year-old student residing in the Katonah-Lewisboro School District in New York state. Ms. (b)(6); (b)(7)(C) has conferred standing upon this office and the undersigned attorney to file this letter alleging that the Katonah-Lewisboro School District has violated (b)(6); (b)(7)(C) rights under Family Educational Rights and Privacy Act ("FERPA").

**DUTCHESS**  
147 Union Street  
Suite 101  
Poughkeepsie, NY 12601  
845-471-0058

(b)(6); (b)(7)(C) and her son, (b)(6); (b)(7)(C) reside at (b)(6); (b)(7)(C) New York 10536. The contact telephone number for Ms. (b)(6); (b)(7)(C) I, (b)(6); (b)(7)(C), am employed by Legal Services of the Hudson Valley, (b)(6); (b)(7)(C). My telephone number is (b)(6); (b)(7)(C) ext. (b)(6); (b)(7)(C).

**ULSTER**  
101 Hurley Avenue  
Suite 3  
Kingston, NY 12401  
845-331-9373

The facts of this alleged FERPA violation are as follows: (b)(6); (b)(7)(C) is a 10 year-old student who resides in the Katonah-Lewisboro School District who attended (b)(6); (b)(7)(C) School for the 2012-2013 school year. (b)(6); (b)(7)(C) reports that she learned from an acquaintance in June 2013 that (b)(6); (b)(7)(C) private, individualized education plan was disclosed by (b)(6); (b)(7)(C) public school staff as part of a request by at least one parent for a student class profile. Ms. (b)(6); (b)(7)(C) learned definitively, in a letter dated June 19, 2013, the full nature of the disclosure when Katonah-Lewisboro School District (b)(6); (b)(7)(C) Special Services (b)(6); (b)(7)(C) responded to (b)(6); (b)(7)(C) inquiry about what personal information was disclosed about (b)(6); (b)(7)(C). (Please see the enclosed letter and the following documents that were released.) These records include this client's date of birth and name as well as information as to this client's diagnosis of attention deficit

**ORANGE/SULLIVAN**  
One Corwin Court  
Suite 102  
Newburgh, NY 12550  
845-569-9110

**ROCKLAND**  
7A Perlman Drive  
Spring Valley, NY 10977  
845-476-3831



hyperactivity disorder (ADHD) and the fact that (b)(6); (b)(7)(C) takes medication for said disorder, and is under the care of a neurologist and psychiatrist for this disorder. (b)(6); (b)(7)(C) is classified under Individuals with Disabilities Education Act ("IDEA") as other health impairment ("OHI").

Kindly investigate the Katonah-Lewisboro School District for the FERPA allegation as stated above. If you should require any further information regarding this complaint, please contact me.

Sincerely,

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

A large rectangular box with a black border, used to redact the signature of the sender. The text "(b)(6); (b)(7)(C)" is written in the top-left corner of the box.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF MANAGEMENT

August 21, 2014

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

Legal Services of the Hudson Valley

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

RE: Your December 9, 2013, Complaint to this Office Concerning the Family Educational Rights and Privacy Act (FERPA)

Dear Ms. (b)(6); (

This letter is in response to your correspondence referenced above regarding concerns you raise on behalf of a parent, Ms. (b)(6); (b)(7)(C) that you believe are related to FERPA. This office administers FERPA which addresses issues that pertain to education records. Due to a backlog of correspondence and limited resources facing this office, we have not been able to address the concerns raised in your letter earlier. I apologize for any inconvenience this may have caused you.

Due to the passage of time, please inform this office whether you wish to continue to pursue this complaint or whether your concerns have been resolved. Please inform this office of such a decision within 30 days of the date of this letter. At such time, if possible, please provide the name of the other parent who received the education records of your client's child.

If you have any questions concerning FERPA, the Department of Education's role in its administration, or the complaint procedure, you may contact this office at 202-260-3887.

Sincerely,

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

Family Policy Compliance Office



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF INSPECTOR GENERAL

Investigation Service  
Headquarter Operations Division  
OIG Hotline  
400 Maryland Ave, SW  
Washington, DC 20202

Date: December 27, 2013

To: Kathleen Styles, Chief Privacy Officer, Office of Management

From: Lisa Foster, Special Agent in Charge, Headquarters Operations

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

Subject: OIG Hotline Operations Complaint # 14-201980

The attached US Department of Education, Office of Inspector General (OIG), Hotline Division complaint is being forwarded for the following reasons:

- With this referral, this matter is being closed within ED/OIG Hotline files.
- This matter is being referred to you for action. Please review and provide the OIG Hotline a response within 45 days of your action in this matter.
- This matter involves an employee within the Department of Education. Please review and provide the OIG Hotline a response within 45 days of your action in this matter.
- Supplemental information is being provided in the attached documentation.
- This matter is being forwarded for your review and action. If your review uncovers any specific instances of fraud or corruption, involving federal education programs, please access <http://www2.ed.gov/about/offices/list/oig/oigaddress.html> for information on contacting our nearest investigative office.

Should you have any questions, please feel free to contact OIG Hotline Operations at 202-245-6911, or as follows:

Lisa Foster  
Special Agent in Charge  
Headquarters Operations  
202-245-7058  
[lisa.foster@ed.gov](mailto:lisa.foster@ed.gov)

Melissa Hall  
Hotline Analyst  
OIG Hotline  
202-245-7049  
[melissa.hall@ed.gov](mailto:melissa.hall@ed.gov)

Millie Coles  
Hotline Analyst  
OIG Hotline  
202-245-7031  
[millie.coles@ed.gov](mailto:millie.coles@ed.gov)

**Any information furnished to you or your agency by the Office of Inspector General (OIG) may not be released except by the OIG.**



Family Policy Compliance Office,  
U.S. Department of Education,  
400 Maryland Ave.SW,  
Washington, D.C., 20202-5901

DEC 27 2013

FERPA Compliance:

To the US Department of Education:

I have a unique case of FERPA Compliance. I graduated in 2009 from (b)(6); (b)(7)(C) College of Technology Department of Building Construction Management. This degree has a mandatory industry experience requirement of 600 hours of qualified industry experience. To satisfy all of my degree requirements I had also taken classes for credit at nearby community colleges while a Full time student at (b)(6); (b)(7)(C) for 14 semesters. These colleges were (b)(6); (b)(7)(C)

Various courses were taken at all of these institutions, and every record as well as work experience records, electronic data, billing, student loan request records, and dispositions were released without authorization to persons formerly associated in the education, K-12, of (b)(6); (b)(7)(C) including former teachers of the Barrington School District 220, prospective employers, and non profit sustainability organizations. All classroom dispositions of classmates, teachers, and coworkers were collected or breached even in class assignments and grades. There was also breaches of library student career account information such as all computer and internet activity especially at (b)(6); (b)(7)(C) University. Items websurfed such as cars, Facebook activity, webmail, (b)(6); (b)(7)(C) webmail, google searches academic and personal such as (b)(6); (b)(7)(C) Calendar and Obama for America.

I consider this theft of privileged education and career material that had associated a long period of surveillance, and continued harassment with educational experiences. The effect was tremendous on my overall career. I request an investigation at these institutions.

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

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

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

assistant registrar,

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

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

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

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

**Witness:**

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

**Email**

- (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)

FERPA hearings are requested at the Barrington School District 220, (b)(6); (b)(7)(C) College and (b)(6); (b)(7)(C)

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

Please investigate the matter for FERPA & HIPAA violations.

BEST REGARDS,

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

