

(b)(6); (b)(7)(C) claimed (b)(6); (b)(7)(C) had disclosed (b)(6); (b)(7)(C), and thus Ms. (b)(6); (b)(7)(C) needed to sign the form. (b)(7)(C) told (b)(6); (b)(7)(C) that she did not know if (b)(6); (b)(7)(C) made this disclosure, and so she could not sign the second document. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) "had" to sign the authorization. (b)(6); (b)(7)(C) requested to take the document home to review it, and then sign and return it. (b)(6); (b)(7)(C) refused, said (b)(6); (b)(7)(C) had to sign them both now, and became visibly upset. (b)(6); (b)(7)(C) said she was certain the second document was not needed because she trusted (b)(6); (b)(7)(C) and knew Ms. (b)(6); (b)(7)(C) would not disclose (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) then ordered (b)(6); (b)(7)(C) not to discuss with (b)(6); (b)(7)(C) anything that occurred with (b)(6); (b)(7)(C) at school. (b)(7)(C) refused, saying she trusted the social worker and not (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) then began yelling at (b)(6); (b)(7)(C). Although (b)(6); (b)(7)(C) purported to translate (b)(6); (b)(7)(C) words into (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) received the distinct impression that (b)(6); (b)(7)(C) was "toning down" the (b)(6); (b)(7)(C) words because the (b)(6); (b)(7)(C) shouting did not match (b)(6); (b)(7)(C) calmer tone and language. (b)(6); (b)(7)(C) became extremely anxious and depressed, and signed the second document because she believed she had no choice.

Incident with Second Bus Driver

The day after this meeting, (b)(6); (b)(7)(C) had a new bus driver. This second bus driver was a tall Hispanic man, about 26-30 years old (name unknown). Approximately three weeks after he began driving (b)(6); (b)(7)(C), he informed (b)(6); (b)(7)(C) that, during his lunch break that day, someone from the school district had actually boarded the bus and moved (b)(6); (b)(7)(C) special seat from its usual position near the middle of the bus to the back. He said "the district" told him that (b)(6); (b)(7)(C) had to sit in the back of the bus because he could not sit close to the driver because that would be "dangerous." He informed (b)(6); (b)(7)(C) that he had moved the seat back to its original position near the middle of the bus, but he asked (b)(6); (b)(7)(C) why the school thought this precaution was necessary. (b)(6); (b)(7)(C) did not answer, but said she needed to call the school. The driver agreed

that (b)(6); (b)(7)(C) should call the school, and he offered to be a witness for (b)(6); (b)(7)(C) in the event of a dispute. He indicated that the first driver "got into trouble" over this issue with (b)(6); (b)(7)(C). The driver also said that the school (b)(6); (b)(7)(C) told him to be cautious with (b)(6); (b)(7)(C) however, it is not known whether any other school officials participated in this disclosure. The identity of the individual who boarded the bus to move the seat is unknown. At this time, (b)(6); (b)(7)(C) did not have any (b)(6); (b)(7)(C) other than (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) requested another meeting with the school to discuss this second incident. Approximately one week later, (b)(6); (b)(7)(C) had a new bus driver (his third), and (b)(6); (b)(7)(C) never saw the second driver again.

Second Meeting at (b)(6); (b)(7)(C)

No one from the school scheduled a meeting with (b)(6); (b)(7)(C) to discuss the bus driver incidents, as she had requested. Instead, the (b)(6); (b)(7)(C) again raised the issue at a meeting that was supposed to have a different purpose. On April 27, (b)(6); (b)(7)(C) at 12:30 p.m., (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) father (b)(6); (b)(7)(C), were scheduled to meet with (b)(6); (b)(7)(C) teacher and the school psychologist to discuss his progress in school. They had begun to discuss this subject when (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) entered the meeting to discuss the bus drivers. (b)(6); (b)(7)(C) apologized for the drivers' actions— but not for any disclosure. (b)(6); (b)(7)(C) asked how the bus drivers knew that (b)(6); (b)(7)(C) had a (b)(6); (b)(7)(C) and why they were told to disinfect his seat and take other steps to minimize casual contact with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) denied the bus drivers had any knowledge of (b)(6); (b)(7)(C) condition, claiming the drivers "invented" what they told (b)(6); (b)(7)(C) of their own accord in order to "fish" for information. The (b)(6); (b)(7)(C) said no confidential information was released, and that (b)(6); (b)(7)(C) records would be moved to a more secure location. (b)(6); (b)(7)(C) reiterated that (b)(6); (b)(7)(C) should discuss any concerns she had with the school and should not tell (b)(6); (b)(7)(C).

Argument

It is obvious that someone at (b)(6); (b)(7)(C) School disclosed to two of (b)(6); (b)(7)(C) bus drivers the fact that he had a (b)(6); (b)(7)(C) namely, (b)(6); (b)(7)(C) – for the purpose of minimizing casual contact with (b)(6); (b)(7)(C) insistence that the drivers were “fishing for information” is inherently illogical given that the drivers did not ask if (b)(6); (b)(7)(C) had a (b)(6); (b)(7)(C) but asked what (b)(6); (b)(7)(C) had, and informed (b)(6); (b)(7)(C) of specific steps “the school” or “the district” had recommended to minimize casual contact with (b)(6); (b)(7)(C). Although it appears that the (b)(7)(C) participated in the improper disclosure to the second bus driver, the identities of other disclosing parties are unknown. Their identities are unknown because of (b)(6); (b)(7)(C) direct efforts to suppress this information. She attempted to intimidate both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) social worker, Ms. (b)(7)(C) to prevent them from calling the transportation department, and ensured that the bus drivers (who had implicated school officials in a violation of (b)(6); (b)(7)(C) privacy) were either assigned a new route or terminated from employment.

(b)(6); (b)(7)(C) information, which was transferred to (b)(6); (b)(7)(C) with his Regional Center records for use in development of his IEP, is an “education record” covered by FERPA. *See* 34 C.F.R. § 99.3; U.S. Dept. of Educ. Letter to University of North Alabama Re: Disability Office Records, November 2, 2004, attached hereto as Exhibit D (student medical records are “education records” under 34 C.F.R. § 99.3). Likewise, the IEP document signed at the December 20, 2006 meeting, which notes that (b)(6); (b)(7)(C) has “chronic immune suppressed disorder,” is an “education record” under FERPA. Ex. A, p. 2. These disclosures violated FERPA because they did not have the written, signed and dated prior consent of either of (b)(6); (b)(7)(C) parents. 20 U.S.C. § 1232g(b)(1); 34 C.F.R. § 99.30(a). *See also* Cal. Ed. Code §49075. They also violated the express agreement between (b)(6); (b)(7)(C) and school officials to keep (b)(6); (b)(7)(C) confidential. This agreement is also reflected in the authorization forms, which state that (b)(6); (b)(7)(C)

“[a] separate permission slip is required for each employee.” Although disclosure to other school officials without prior consent is proper where there is a “legitimate educational interest,” 20 U.S. C. § 1232g(b)(1)(A); 34 C.F.R. § 99.31(a)(1), no such legitimate interest is present here.³ The federal regulations do not define what is a “legitimate educational interest,” but California Education Code Section 49063(d) clarifies that this term is to be defined by each school district. Specifically, Section 49063(d) explains that each individual school district must notify parents in writing of their privacy rights regarding student records, and this notice should be in the parent’s home language and should include “[t]he criteria to be used by the district in defining ‘school officials and employees’ and in determining ‘legitimate educational interest’” The Anaheim City School District failed to provide (b)(6); (b)(7)(C) with such (b)(6); (b)(7)(C) language notification, and although the relevant Board Policy (AR 5125, attached hereto as Exhibit E) does repeat that “[s]chool officials and employees” may access “those particular records which are relevant to the legitimate educational interests of the requester,” it fails to define “legitimate educational interest” as required by Section 49063(d).

Even absent a formal definition of “legitimate educational interest” from the District, the disclosures to the two bus drivers cannot meet this standard, because the disclosures were made to encourage discrimination against (b)(6); (b)(7)(C) on the basis of his disability (b)(6); (b)(7)(C) and not for any valid purpose. According to the most recent report we have located on the subject from the (b)(6); (b)(7)(C) is not (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) See CDC Fact Sheet, “(b)(6); (b)(7)(C)” and its (b)(6); (b)(7)(C) July 1999, attached hereto as Exhibit F. By contrast, “[c]ontact with saliva, tears, or sweat has never been shown to result in the (b)(6); (b)(7)(C) Id. See also CDC Guidelines for Effective School Health

³ The regulations also contain an exception allowing disclosure “in connection with a health or safety emergency.” 34 C.F.R. § 99.31(a)(10). No such emergency occurred here that would justify disclosure to the bus drivers.

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

attached hereto as Exhibit G (b)(6); (b)(7)(C)

cannot be contracted by touching or being in the same room with an (b)(6); (b)(7)(C) person). The

disclosure of (b)(6); (b)(7)(C) to the bus drivers was for the purpose of

encouraging them to minimize casual contact with (b)(6); (b)(7)(C) by prescribing steps including forcing

him to sit alone at the back of the bus. (b)(6); (b)(7)(C)

courts have repeatedly found that attempts to limit casual contact between (b)(6); (b)(7)(C)

individuals and others constitute disability discrimination in violation of laws including the

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

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

Here, there is no evidence of a direct threat of infection to drivers or students on (b)(6); (b)(7)(C) bus. In fact, all available evidence is to the contrary. (b)(6); (b)(7)(C) special supplemental bus seat restrains him in place and, as a practical matter, prevents other children from sitting in the bus seat with him. Thus, even completely harmless casual contact between (b)(6); (b)(7)(C) and the other students is minimized, and there are certainly no circumstances presenting a significant risk of (b)(6); (b)(7)(C) of others on the bus. (b)(6); (b)(7)(C) has never (b)(6); (b)(7)(C) on others or become violent on the school bus or during school, nor have other students been violent toward (b)(6); (b)(7)(C). Therefore, the (b)(6); (b)(7)(C) officials who disclosed to the bus drivers that (b)(6); (b)(7)(C) had a (b)(6); (b)(7)(C) did so solely for the purpose of minimizing the bus drivers' casual contact with (b)(6); (b)(7)(C) – instructing them to wear gloves, disinfect (b)(6); (b)(7)(C) seat, and to make (b)(6); (b)(7)(C) sit in the back of the bus.

These instructions to the drivers were not merely harmless, overly-cautious recommendations. A bus driver's visible avoidance of casual contact with (b)(6); (b)(7)(C) and disinfection of his seat in view of other students could cause those students to avoid (b)(6); (b)(7)(C) or even to treat him as an outcast. And the instruction that (b)(6); (b)(7)(C) should "sit at the back of the bus" repeats a classic form of invidious discrimination that has been condemned for decades by American civil rights laws. *See, e.g. Evers v. Dwyer*, 358 U.S. 202 (1958) (allowing declaratory judgment action against ordinance requiring African-Americans to sit at the back of the bus); *McPherson v. Tamiami Trail Tours, Inc.*, 383 F.2d 527 (5th Cir. 1967) (holding bus driver liable in tort for ordering the African-American plaintiff to the back of the bus, precipitating passive resistance by plaintiff and a racially-motivated attack by a Caucasian passenger); *Hernandez v. Erlenbusch*, 368 F. Supp. 752, 755 (D. Ore. 1973) (noting by analogy in English-only rule case that "...the Constitution forbids banishing blacks to the back of the bus so as not to arouse the racial animosity of the preferred white passengers..."); *Hardy v. USF Reddaway, Inc.*, Civ. No. 02-1109-AS, 2004 U.S. Dist. LEXIS 10179, *2, 23 (D. Ore. April 7, 2004) (employer's comment that African-American plaintiff should "go to the back of the bus, black" contributed to a finding of a hostile work environment under Title VII of the Civil Rights Act of 1964). Analogizing historical segregation of African-Americans to more recent attempts to segregate HIV-positive individuals, one court aptly stated:

The stigma attached to [plaintiff] is even greater considering the increased negative importations associated with (b)(6); (b)(7)(C). Further, the Supreme Court in *Brown v. Board of Education*, 347 U.S. 483, 494, 98 L. Ed. 873, 74 S. Ct. 686 (1954), discussing the issue of segregation on the basis of race, stated most succinctly: "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." Similarly, if (b)(6); (b)(7)(C) children are segregated, they will suffer the same feelings of inferiority the Supreme Court sought to eradicate in *Brown* 34 years ago.

Dolton, 694 F. Supp. at 447. If (b)(6); (b)(7)(C) is allowed to persist in misusing (b)(6); (b)(7)(C) medical records in violation of FERPA to segregate (b)(6); (b)(7)(C) on the basis of his disability, there is a very real risk that (b)(6); (b)(7)(C) will learn an early and damaging lesson in discrimination that will impair his ability to develop necessary social skills, and will harm his overall education. Such discrimination cannot be a “legitimate educational interest” warranting disclosure of student records. FERPA “should not serve as a cloak for alleged discriminatory practices....” *Rios v. Read*, 73 F.R.D. 589 (E.D.N.Y. 1977) (rejecting defendant school district’s attempt to use FERPA to shield materials from discovery in discrimination case).

Finally, the disclosure of (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) violates FERPA, because the consent form in which (b)(6); (b)(7)(C) purportedly “authorized” that disclosure was not validly obtained. (b)(6); (b)(7)(C) and her (b)(6); (b)(7)(C) ambushed (b)(6); (b)(7)(C) while she was at the school to deliver (b)(6); (b)(7)(C) medicine, shepherded her into the (b)(6); (b)(7)(C) office and shut the door. The (b)(6); (b)(7)(C) informed (b)(6); (b)(7)(C) that she had no choice but to sign the disclosure, had to sign right then, and intimidated (b)(6); (b)(7)(C) by screaming at her in a language she did not understand, going so far as to chill (b)(6); (b)(7)(C) enforcement of her rights by ordering her not to tell anyone, including her social worker (and presumably also including legal counsel), about these privacy violations. (b)(6); (b)(7)(C) signed the document under duress and protest so she would be allowed to leave the room. This is not a valid disclosure as contemplated by 34 C.F.R. § 99.30(a) and thus violates FERPA.

Proposed Remedies

If this Office finds that the Anaheim City School District, (b)(6); (b)(7)(C) School, and/or its officials have failed to comply with FERPA, it may prescribe specific steps for compliance. 34 C.F.R. § 99.66. We recommend that the school and/or school district take one or more of the following steps, in addition to any other steps this Office wishes to prescribe:

- **Procedures for Investigation of FERPA-Related Complaints:** The Anaheim City School District should create and implement a written policy describing the steps the District and its schools must take if a parent or student complains that the student's educational records (including medical records) have been improperly disclosed. Such a policy should expressly forbid school officials from actively discouraging students and parents from pursuing their FERPA rights, and from blocking parent or student access to employees involved in the alleged FERPA violation.
- **Definition of Legitimate Educational Interest:** The Anaheim City School District should include in its policies regarding the confidentiality of student educational records a definition of the "legitimate educational interest" that would warrant disclosure to a school employee without prior consent of the student or parent.
- **Training Regarding** (b)(6); (b)(7)(C) School teachers and officials (including, in particular, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and potentially other officials or employees within the Anaheim City School District, should be required to attend training regarding the ways in which (b)(6); (b)(7)(C) is – and is not – transmitted. Such training shall include a "sensitivity training" element that describes the rights of (b)(6); (b)(7)(C) individuals to be free from discrimination on the basis of their disability.
- **Identification of the Individual(s) who Disclosed** (b)(6); (b)(7)(C) **Medical Information to the Bus Drivers:** District officials should be required to locate and attempt to interview the bus drivers to learn the source of the disclosures to them. The identity of the source(s) should be revealed to (b)(6); (b)(7)(C) and, if the disclosing source(s) was one of the individuals to whom (b)(6); (b)(7)(C) previously had voluntarily authorized to receive (b)(6); (b)(7)(C) confidential medical information, she should have the opportunity to

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

Family Policy Compliance Office
August 29, 2007
Page 14

decide whether to revoke such authorization. The disclosing individuals should also be required to participate in the above-mentioned training.

If you require any additional information regarding this complaint, please do not hesitate to contact either of us at the above address or at (b)(6); (b)(7)(C)

Respectfully submitted,

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

Attorneys for (b)(6); (b)(7)(C)

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

CERTIFICATE OF TRANSLATION

I, (b)(6); (b)(7)(C) declare under penalty of perjury that I am competent in both the (b)(6); (b)(7)(C) and English languages. I have accurately and completely translated the document from (b)(6); (b)(7)(C) to English for (b)(6); (b)(7)(C) to the best of my ability.

Executed on this 29th day of August, 2007 in Santa Ana, California.

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

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

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

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

February 24, 2008

HAND-DELIVERED TO:

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

Scottsdale, Arizona 85254

Re:

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

- Document Request

Dear Ms.

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

This letter confirms that you were asked on January 29, 2008 by (b)(6); (b)(7)(C), acting on my behalf, for a copy of all records pertaining to my son, (b)(6); (b)(7)(C) including without exclusion, all records concerning any observations or evaluations of (b)(6); (b)(7)(C) prior to the IPT meeting on January 29, 2008. A copy of Ms. (b)(6) request to you, via (b)(6); (b)(7)(C) is attached for your convenience. If you are not able or willing to provide all of the records requested by Ms. (b)(6) within the 45 day deadline, provide a detailed explanation of your inability or unwillingness to do so, on or before the same deadline, *i.e.*, March [], 2008.

This letter also constitutes my request that you provide me a copy of any and all documents that you subsequently author, compile or otherwise possess for any reason concerning or pertaining to (b)(6); (b)(7)(C) at any time following the date of your response to Ms. (b)(6); (b)(7)(C) request.

Thank you for your attention to this matter. Please let me know promptly if you have any questions.

Sincerely,

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

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

CC:

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

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

Scottsdale Unified School District
February 24, 2008
Page 2

BC:

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

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

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

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

File No. 10195.05

March 6, 2008

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

Scottsdale Unified School District
Special Education Office
8505 East Valley View Road
Scottsdale, Arizona 85250

Re:

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

School

- Document Request

Dear Ms.

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

This letter confirms that you were asked on January 29, 2008 via request on my behalf by (b)(6); (b)(7)(C) addressed to (b)(6); (b)(7)(C), for a copy of all records pertaining to my son, (b)(6); (b)(7)(C) including without exclusion, all records pertaining to any observations or evaluations of (b)(6); (b)(7)(C) prior to the IPT meeting on January 29, 2008. A copy of Ms. (b)(6); (b)(7)(C) request to you, via (b)(6); (b)(7)(C) is enclosed with this letter for your convenience. In addition to the documents listed in Mr. (b)(6); (b)(7)(C) letter, you should provide a copy of any and all communications concerning (b)(6); (b)(7)(C)

If you are not able or willing to provide all of the records requested by Ms. (b)(6); (b)(7)(C) within the 45 day deadline, provide a detailed explanation of your inability or unwillingness to do so, on or before the same deadline, *i.e.*, March 14, 2008.

This letter also constitutes my request pursuant to 34 CFR § 300.503 *et seq.* that you provide me a copy of any and all documents that you author, compile, receive or otherwise possess for any reason concerning or pertaining to (b)(6); (b)(7)(C) at any time following the IPT meeting on January 29, 2008.

Thank you for your attention to this matter. Please let me know promptly if you have any questions.

Sincerely,

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

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

epic.org

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

Scottsdale Unified School District

March 6, 2008

Page 2

Enclosure (as stated)

CC:

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



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

From: (b)(6); (b)(7)(C) @cox.net)

Sent: Tue 1/29/08 10:39 PM

To: (b)(6); (b)(7)(C)

Cc:

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

Per our conversation this afternoon, I am requesting the district policy and criteria regarding the disagreement with the outside evaluation provided to (b)(6); (b)(7)(C) regarding (b)(6); (b)(7)(C) specifically the report from Dr. (b)(6); (b)(7)(C) who is on your list of approved outside evaluators.

More specifically I am requesting the information relating to the various district employees who observed or evaluated (b)(6); (b)(7)(C) to include the following:

- Dates, times and the actual amount of time spent on the assessments, observations or evaluations
- Scientifically based rationale of assessments, observations or evaluations
- Credentials and training of those involved in the assessments, observations or evaluations

Also, please provide access to ALL protocols, reports and observation notes that are related to this student as soon as possible but within 30 days.

As usual it was a pleasure and I look forward to talking with you soon!

Thanks so much,

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

Advocate for the (b)(6); Family

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

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

File No. 10195.05

March 6, 2008

VIA E-MAIL TO:

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

Scottsdale Unified School District
Special Education Office
8505 East Valley View Road
Scottsdale, Arizona 85250

Re: (b)(6); (b)(7)(C) / (b)(6); (b)(7)(C)
- Document Request

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

This letter confirms that you were asked on January 29, 2008 via request on my behalf by (b)(6); (b)(7)(C) addressed to (b)(6); (b)(7)(C) for a copy of all records pertaining to my son, (b)(6); (b)(7)(C) including without exclusion, all records pertaining to any observations or evaluations of (b)(6); (b)(7)(C) prior to the IPT meeting on January 29, 2008. A copy of Ms. (b)(6); (b)(7)(C) request to you, via (b)(6); (b)(7)(C) is enclosed with this letter for your convenience. In addition to the documents listed in Mr. (b)(6); (b)(7)(C) letter, you should provide a copy of any and all communications concerning (b)(6); (b)(7)(C)

If you are not able or willing to provide all of the records requested by Ms. (b)(6); (b)(7)(C) within the 45 day deadline, provide a detailed explanation of your inability or unwillingness to do so, on or before the same deadline, *i.e.*, March 14, 2008.

This letter also constitutes my request pursuant to 34 CFR § 300.503 *et seq.* that you provide me a copy of any and all documents that you author, compile, receive or otherwise possess for any reason concerning or pertaining to (b)(6); (b)(7)(C) at any time following the IPT meeting on January 29, 2008.

Thank you for your attention to this matter. Please let me know promptly if you have any questions.

Sincerely,

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

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

Scottsdale Unified School District

March 6, 2008

Page 2

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

Enclosure (as stated)

CC:

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



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

From: (b)(6); (b)(7)(C) (cox.net)

Sent: Tue 1/29/08 10:39 PM

To: (b)(6); (b)(7)(C) (susd.org)

Cc: (b)(6); (b)(7)(C) (msn.com); (b)(6); (b)(7)(C) (hotmail.com)

(b)(6);

Per our conversation this afternoon, I am requesting the district policy and criteria regarding the disagreement with the outside evaluation provided to (b)(6); (b)(7)(C) regarding (b)(6); (b)(7)(C) specifically the report from Dr. (b)(6); (b)(7)(C) who is on your list of approved outside evaluators.

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- Scientifically based rationale of assessments, observations or evaluations
- Credentials and training of those involved in the assessments, observations or evaluations

Also, please provide access to ALL protocols, reports and observation notes that are related to this student as soon as possible but within 30 days.

As usual it was a pleasure and I look forward to talking with you soon!

Thanks so much,

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

Advocate for the (b)(6); (b)(7)(C) Family

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

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

File No. 10195.05

March 6, 2008

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

Scottsdale Unified School District
Special Education Office
8505 East Valley View Road
Scottsdale, Arizona 85250

Re: (b)(6); (b)(7)(C) School
- Document Request

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

This letter confirms that you were asked on January 29, 2008 via request on my behalf by (b)(6); (b)(7)(C) addressed to (b)(6); (b)(7)(C) for a copy of all records pertaining to my son, (b)(6); (b)(7)(C) including without exclusion, all records pertaining to any observations or evaluations of (b)(6); (b)(7)(C) prior to the IPT meeting on January 29, 2008. A copy of Ms. (b)(6); (b)(7)(C) request to you, via (b)(6); (b)(7)(C) is enclosed with this letter for your convenience. In addition to the documents listed in Mr. (b)(6); (b)(7)(C) letter, you should provide a copy of any and all communications concerning (b)(6); (b)(7)(C).

If you are not able or willing to provide all of the records requested by Ms. (b)(6); (b)(7)(C) within the 45 day deadline, provide a detailed explanation of your inability or unwillingness to do so, on or before the same deadline, *i.e.*, March 14, 2008.

This letter also constitutes my request pursuant to 34 CFR § 300.503 *et seq.* that you provide me a copy of any and all documents that you author, compile, receive or otherwise possess for any reason concerning or pertaining to (b)(6); (b)(7)(C) at any time following the IPT meeting on January 29, 2008.

Thank you for your attention to this matter. Please let me know promptly if you have any questions.

Sincerely,


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

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

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

Scottsdale Unified School District

March 6, 2008

Page 2

Enclosure (as stated)

CC:

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



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

From: (b)(6), (b)(7)(C) @cox.net
Sent: Tue 1/29/08 10:39 PM
To: (b)(6), (b)(7)(C) @susd.org
Cc: (b)(6), (b)(7)(C) @msn.com; (b)(6), (b)(7)(C) @hotmail.com

(b)

Per our conversation this afternoon, I am requesting the district policy and criteria regarding the disagreement with the outside evaluation provided to (b)(6), (b)(7)(C) regarding (b)(6), (b)(7)(C) specifically the report from Dr. (b)(6), (b)(7)(C) who is on your list of approved outside evaluators.

More specifically I am requesting the information relating to the various district employees who observed or evaluated (b)(6), (b)(7)(C) to include the following:

- Dates, times and the actual amount of time spent on the assessments, observations or evaluations
- Scientifically based rationale of assessments, observations or evaluations
- Credentials and training of those involved in the assessments, observations or evaluations

Also, please provide access to ALL protocols, reports and observation notes that are related to this student as soon as possible but within 30 days.

As usual it was a pleasure and I look forward to talking with you soon!

Thanks so much,

(b)(6), (b)(7)(C)
Advocate for the (b)(6), (b)(7)(C) Family

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

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

File No. 10195.05

March 6, 2008

HAND-DELIVERED TO:

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

Scottsdale, Arizona 85254

Re: (b)(6); (b)(7)(C)
- Document Request

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

This letter confirms that you were asked on January 29, 2008 via request on my behalf by (b)(6); (b)(7)(C) addressed to (b)(6); (b)(7)(C) for a copy of all records pertaining to my son, (b)(6); (b)(7)(C) including without exclusion, all records pertaining to any observations or evaluations of (b)(6); (b)(7)(C) prior to the IPT meeting on January 28, 2008. A copy of Ms. (b)(7) request to you, via (b)(6); (b)(7)(C) is enclosed with this letter for your convenience. In addition to the documents listed in Mr. (b)(6); (b)(7)(C) letter, you should provide a copy of any and all communications concerning (b)(6); (b)(7)(C)

If you are not able or willing to provide all of the records requested by Ms. (b)(6); (b)(7)(C) within the 45 day deadline, provide a detailed explanation of your inability or unwillingness to do so, on or before the same deadline, *i.e.*, March 14, 2008.

This letter also constitutes my request pursuant to 34 CFR § 300.503 *et seq.* that you provide me a copy of any and all documents that you author, compile, receive or otherwise possess for any reason concerning or pertaining to (b)(6); (b)(7)(C) at any time following the IPT meeting on January 28, 2008.

Thank you for your attention to this matter. Please let me know promptly if you have any questions.

Sincerely,

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

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

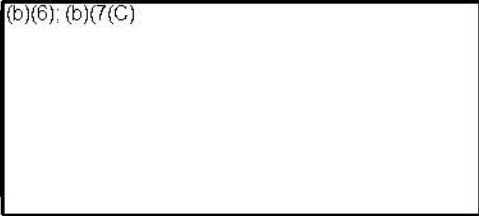
Scottsdale Unified School District

March 6, 2008

Page 2

Enclosure (as stated)

CC: (b)(6); (b)(7)(C)





(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
 From: (b)(6); (b)(7)(C)
 Sent: Tue 1/29/08 10:39 PM
 To: (b)(6); (b)(7)(C)
 Cc: (b)(6); (b)(7)(C)@msn.com); (b)(6); (b)(7)(C)@hotmail.com)

(b)(6)

Per our conversation this afternoon, I am requesting the district policy and criteria regarding the disagreement with the outside evaluation provided to (b)(6); (b)(7)(C) regarding (b)(6); (b)(7)(C) specifically the report from Dr. (b)(6); (b)(7)(C) who is on your list of approved outside evaluators.

More specifically I am requesting the information relating to the various district employees who observed or evaluated (b)(6); (b)(7)(C) to include the following:

- Dates, times and the actual amount of time spent on the assessments, observations or evaluations
- Scientifically based rationale of assessments, observations or evaluations
- Credentials and training of those involved in the assessments, observations or evaluations

Also, please provide access to ALL protocols, reports and observation notes that are related to this student as soon as possible but within 30 days.

As usual it was a pleasure and I look forward to talking with you soon!

Thanks so much,

(b)(6); (b)(7)(C)
Advocate for the (b)(6); (b)(7)(C) Family

7(a). If you have been denied access to education records: Provide the specific nature of the records, the date on which you requested access, the name of the official to whom you made the request, and any responses received.

1/29/08 Advocate (b)(6); (b)(7)(C) requested (b)(6); (b)(7)(C) of Special Education at Scottsdale Unified School District provide access to the following documents: ALL testing protocols, reports and observation notes related to my son (b)(6); (b)(7)(C). Additionally requesting dates, times and actual amount of time spent on the assessments, observations and evaluations. 2/24/08 Hand-delivered letter to (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) reiterating request for ALL documents relating (b)(6); (b)(7)(C) including original request from Ms. (b)(6); (b)(7)(C) to Mrs. (b)(6); (b)(7)(C) 3/6/08 Email to (b)(6); (b)(7)(C) and Mrs. (b)(7)(C) which included a letter sent to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) again including the original email dated 1/29/08 and additional request for access to the records. 3/14/08 Response from Mrs. (b)(7)(C) via email stating that the records I requested were not in the district office since the evaluation was not complete and that she did not have access to (b)(6); (b)(7)(C) working files. 4/11/08 Letter to Mrs. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and copied (b)(6); (b)(7)(C) again requesting access to records. 5/2/08 Ms. (b)(6); (b)(7)(C) and I met with Mrs. (b)(6); (b)(7)(C) to review the records that were supplied and immediately noticed and requested the documents mentioned via communications between (b)(6); (b)(7)(C) and the teachers at (b)(6); (b)(7)(C) that were mentioned but not provided. 5/5/08 Response from Mrs. (b)(6); (b)(7)(C) stating she was not aware of the original request and that she forwarded her records to the district on 3/7/08. 5/7/08 Letter to (b)(6); (b)(7)(C) District Attorney requesting access to all records. 5/14/08 Response letter from (b)(6); (b)(7)(C) stating she needed clarification as to which records were being requested. 6/11/08 Letter to (b)(6); (b)(7)(C) requesting access to ALL records. 6/12/08 Response from (b)(6); (b)(7)(C) stating records would not be available by 6/18/08 as she will be out of the office. 6/24/08 Letter to Ms. (b)(6); (b)(7)(C) notifying her that I have still not received the documents. 6/27/08 Filing FERPA complaint.

8. Describe briefly what steps you have taken, if any, to resolve your complaints with school officials and their response, if any:

3/17/08 I filed a complaint with Arizona Department of Education (SEA) regarding the district's failure to provide access to educational records. 5/15/08 Received letter from SEA stating district was "out of compliance" and must provide access to the missing records by 6/6/08. 6/11/08 Received letter from SEA acknowledging the District is past due and must send records by 6/18/08.

9. Complainant's signature:

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

Date

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

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

March 18, (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



RE: School In Violation Of FERPA

I hereby lodge an official complaint against the School District of Albuquerque on behalf of (b)(6); (b)(7)(C) who attends (b)(6); (b)(7)(C) 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: Health Assessment

Date: (b)(6); (b)(7)(C)

Person responsible for Entry or person currently maintaining record: (b)(6); (b)(7)(C)

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

Date challenged content discovered: (b)(6); (b)(7)(C)

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
- Other:

Date of Violation: (b)(6); (b)(7)(C)

Date Violation Discovered if different from above (b)(6); (b)(7)(C)

Other Relevant Information:

(Use this section to add any additional explanatory comments)

My son was evaluated for stating that he wanted to (b)(6); (b)(7)(C) at the (b)(6); (b)(7)(C) (b)(6); (b)(7) Hospital the night before (3.12.09). Because the staff at the hospital advised me to keep (b)(6); (b)(7)(C) day as normal as possible, I signed him in to school. I advised the (b)(6); (b)(7)(C) as to what had taken place. Told her I had already begun working on counseling for my son, and just wanted them to be aware. Nothing more. The school took it upon themselves to question our cousin (b)(6); (b)(7)(C) (who is a child in the same grade level), about how well she knew (b)(6); (b)(7)(C) did he have anger issues, and are there any family issues. (b)(6); (b)(7)(C) told them she did not know. This was later reported to me by (b)(6); (b)(7)(C) grandmother (b)(6); (b)(7)(C). Because I was on the complete opposite side of town, and unable to contact my Mom, (b)(6); (b)(7)(C) dad was able to sign my son out of school. The "Parental Acknowledgement of Same-day Emergency (b)(6); (b)(7)(C) Referral", they stated that "I refused" and did not feel that a same day evaluation was needed to take my child back to (b)(6); (b)(7)(C). This is not in any way correct; I was never asked by the school to take (b)(6); (b)(7)(C) back to (b)(6); (b)(7)(C) for evaluation. I am angry and offended that they wrote this, and feel (b)(6); (b)(7)(C) did not hear a single word I said.

Yours Truly,

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

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

January 26, 2010

Family and Regulations Office
U.S. Department of Education
Washington D.C. 20202-4605

Dear Sir/Madam,

My wife and I are sending you a copy of a complaint we filed with the (b)(6); (b)(7)(C) (b)(7)(C) of UCLA regarding the violation of our son's right to privacy and confidentiality, and the unprofessional conduct of (b)(6); (b)(7)(C). Please keep for your file.

Sincerely,

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

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

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

January 26, 2010

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

Los Angeles, CA 90095-1414

Re: (b)(6); (b)(7)(C) 2nd year (b)(6); student, grievance against (b)(6); (b)(7)(C) for violation of his rights to privacy and confidentiality, and unprofessional conduct.

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

This letter should serve as a formal complaint regarding (b)(6); (b)(7)(C) wanton disregard and violation of (b)(6); (b)(7)(C) rights to privacy and confidentiality as protected by the Constitution of the State of California, governed by the Federal Family Educational Rights and Private Act (FERPA), and (b)(6); Policy 220 which states in part that (b)(6); (b)(7)(C) shall be guided by two principles: (1) privacy of an individual is of great weight..."

On Tuesday Nov. 17, 2009 at about 5PM, (b)(6); (b)(7)(C) received an e-mail from (b)(6); (b)(7)(C) accusing him of plagiarism on a term paper. On Wednesday, Nov. 18, 2009, at around 4PM, with my wife, (b)(6); (b)(7)(C) standing nearby, (b)(6); (b)(7)(C) approached (b)(6); (b)(7)(C) in the Media Building courtyard to discuss his e-mail and possibly arrange a meeting. My wife, who wrote the event in her journal describes it as follows:

"Right away, I could see that the conversation was not going well. The body language of the Professor was of someone who was in rage with his finger flailing at (b)(6); (b)(7)(C) face while standing stooped over him. I was alarmed by the Professor's demeanor which looked threatening, that I ran and approached them. After a brisk introduction, the Professor warned me in a condescending voice that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) tried to explain his paper, but the Professor was biased and had already decided that (b)(6); (b)(7)(C) was a plagiarist. After 30 minutes of mostly the Professor telling us angrily about the discrepancies he found on (b)(6); (b)(7)(C) paper, he told (b)(6); (b)(7)(C) to

meet him next day with the sources used for the paper. He abruptly walked away to get his cup of coffee. (b)(6); (b)(7)(C) stood silent. I felt overwhelmed, shocked, and embarrassed for (b)(6); (b)(7)(C) and myself to have experienced this all out in the open, in public.”

A reasonable, rational, and professional person would have told (b)(6); (b)(7)(C) that this was not the time and the place to discuss this, and arrange to meet at a more private location. But, (b)(6); (b)(7)(C) vindictive attitude humiliated and embarrassed my wife and my son (b)(6); (b)(7)(C) in that public courtyard.

This malicious disregard for my son’s rights to privacy and confidentiality can never be tolerated and should never happen again. I urge you to open an inquiry on the questionable and unprofessional conduct of (b)(6); (b)(7)(C) and administer appropriate corrective measures and discipline.

Thank you for your immediate consideration of this matter. Please call me if I may be of further assistance,

Respectfully yours,

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

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

cc (b)(6); (b)(7)(C) CA Department of Education,
US Department of Education

November 11, 2008

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue
SW, Washington, DC 20202-4605



To Whom It May Concern:

I am writing this letter in regards to my recent experience with (b)(6); (b)(7)(C) University. I am a nurse educator at (b)(6); (b)(7)(C) in Utica, New York. I recently applied to the doctoral program offered by (b)(6); (b)(7)(C) University along with four other faculty members from my college. An admissions counselor was assigned to each of us upon receiving our application. (b)(6); (b)(7)(C)

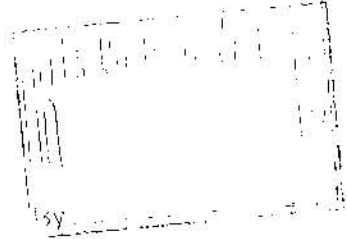
was the admissions counselor assigned to me. He contacted me in early March requesting that I submit a writing sample to him which he stated was needed and part of the application process, which of course was never on the application, but apparently on their website? Regardless, I submitted a writing sample as requested. The reason I'm writing this letter, however, is a few weeks later a few faculty members called to see if there was a decision reached and if they were accepted into the program. (b)(6); (b)(7)(C) not only informed them of their status but felt that it was appropriate to inform them of my status as well. It's appalling to hear that someone would give out confidential information that I myself had not known. I did call and speak to the (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) University who stated she would talk to (b)(6); (b)(7)(C) and follow up on this matter. However, I strongly feel that confidentiality is an important matter and should not be dealt with lightly; therefore, I am informing your department of this matter. Thanks you very much for your time and attention to this matter.

Sincerely,

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

February 6, 2009

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



Re: Violation of (b)(6); (b)(7)(C) FERPA rights by USD# 368

This letter is to inform the above officials that on Thursday, February 5th (b)(6); (b)(7)(C) grade teacher at (b)(6); (b)(7)(C) USD# 368 disclosed personal identifiable medical information regarding my son, (b)(6); (b)(7)(C) to three of his classmates without our consent. A list of names can be provided if necessary.

(b)(6); (b)(7)(C) and three of his friends were disciplined individually by (b)(6); (b)(7)(C) for talking in the cafeteria. After they were each counseled (b)(6); (b)(7)(C) friends came up to him to tell him that (b)(6); (b)(7)(C) said not to play with him and that (b)(6); (b)(7)(C) takes medication to calm him down and to be smart and not be like (b)(6); (b)(7)(C) because they (the friends) don't need medication like (b)(6); (b)(7)(C) does. (b)(6); (b)(7)(C) was very upset that his teacher shared this confidential information with his friends and was very worried that his friends would think differently about him and also that private medical information would spread around the school and community.

On Friday February 6th, I called the Superintendents office and they faxed me a copy of the FERPA policy and indicated that all employees at USD # 368 are expected to abide by this policy and that violations will be investigated.

We are very concerned that (b)(6); (b)(7)(C) felt compelled to share private medical information with (b)(6); (b)(7)(C) fellow students and would appreciate that this matter is looked into immediately and that appropriate disciplinary action be taken.

Please inform us of your actions as you promptly look into this matter. Thank you.

Sincerely,

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

cc: Dr. Rod Allen, Superintendent USD # 368

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

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

December 16, 2009

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

Subject: Reason for request for Documentation:

Dear Ms. Brault,

I am enclosing a copy of a letter dated October 12, 2009 sent to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) In the letter is a breakdown of what has taken place between August 17, 2009 and October 21, 2009. Pages three and four were added after the October 12, 2009 date.

I was terminated from a position for making an incorrect entry into the computer system. As is the policy with Kaplan a review board was held to find out if I should be given a new internship and it was agreed that I should be given one.

It is the policy within Kaplan that if you miss 17 days of school you are automatically terminated from the class and discharged from school.

There are four separate occasions that I came with in one day of being terminated because of no site to go to., Instead I was went to a site for one day just to get hours on my record. In between that time there was no communication between (b)(6); (b)(7)(C) who was the coordinator in finding me a location.

A second termination happened, see the letter of October 12, 2009, and again a review board was held and for the second time is was voted to find me an other site to complete my externship as I only need 60 more hours.

(b)(6); (b)(7)(C) who is the (b)(6); (b)(7)(C) said she would be reasonable to find me a location. Needless to say she did not. She also put in a letter to (b)(6); (b)(7)(C) that she had no intentions of finding me a third location.

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