

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



Dear Sir/Madam,

I am inquiring as to whether my daughter's right to privacy as defined by the Family Educational Rights and Privacy Act was violated by school officials in Shelton, CT when they disclosed information they defined in writing as being subject to FERPA. At the time, my daughter was a minor in the Shelton, CT public school system.

As background, we along with 6 - 7 other parents complained to school officials that our daughters were being bullied by a new school employee. As we felt school officials were not addressing the bullying issue reasonably, we requested relating documentation in compliance with the Freedom of Information Act and were provided certain documentation. However, in their response, school officials identified that certain information could not be provided relative to a FOIA request, but could be provided based upon a FERPA request (Exhibit 1). The administration provided documents they specifically identified as restricted by FERPA and had us sign for these documents (Exhibit 2).

However, emails (Exhibit 3) obtained in the FOIA request identify that a senior school official verbally communicated information included in the FERPA package to the alleged bully (new school employee). The communication to the alleged bully does not appear to meet the conditions for disclosure without consent (34 CFR § 99.31) nor does it appear to qualify as "directory information". The alleged bully sued us, testifying that her entire case was premised on the information obtained verbally from the school official (Exhibit 4). Under oath, the alleged bully (school employee) not only testified that the senior school official communicated confidential information, but also attributed allegations that we never made (Exhibit 5).

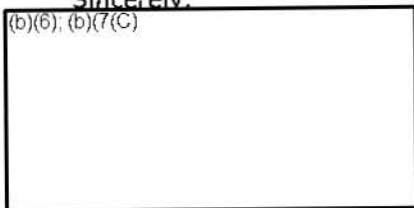
As it turns out, the suit's claim was fabricated and without any basis other than the verbal communication from the school official, and was subsequently withdrawn (Exhibit 6). Additionally, the alleged bully continued to bully other students and was eventually terminated by the school's administration, with the superintendent identifying that students feared retaliatory behavior (Exhibit 7). However, while the case was active, the local newspaper pulled the claim as written and published it as their front page article. Other newspapers also published information from the claim.

We did not provide school officials permission to disclose relative information. Actually, I made a written request for school officials not to meet with my daughter (Exhibit 8). Despite the written request and without my knowledge, school officials pulled her from class to meet with three school employees (Exhibit 9). On the following day, the senior school official met with the alleged bully, communicating information I believe may be subject to FERPA requirements. The alleged bully's testimony referenced this meeting as the predominant basis for her lawsuit.

After reviewing the enclosed, could you contact me for further discussion or additional documentation relative to my inquiry of a potential FERPA violation? I appreciate your time and efforts.

Sincerely,

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



Investigation notes taken by (b)(6); (b)(7) and staff members were not provided to you, as such preliminary notes and drafts are not subject to disclosure under the FOIA. Specific records regarding (b)(6); (b)(7)(C) performance as the (b)(6); (b)(7)(C) Advisor were included in the e-mails provided to you. (b)(6); (b)(7)(C) is in her first year as (b)(6); (b)(7)(C) Advisor, so her annual evaluation will be completed at the end of this season. Any records pertaining to (b)(6); (b)(7)(C) performance as a School Resource Officer would be in the possession of the (b)(6); (b) Police Department. Accordingly, all of these documents either do not exist or cannot be provided to you by the district.

All records pertaining to any investigation by the Administrative Office of (b)(6); (b)(7)(C) School, Office of the (b)(6); (b)(7)(C) Headmaster, (b)(6); (b) Board of Education or any relative (b)(6); (b) Education facility were included in the e-mails and (b)(6); (b)(7)(C) memorandum in response to your request. To the extent Dr. (b)(6); (b) reasoning is not set forth in her memorandum or the e-mails that were provided to you, no additional records need to be created in order to respond to your request for further explanation of her reasoning. Moreover, Dr. (b)(6); (b) reasoning and decision making were squarely within the purview of her responsibilities as Headmaster.

Similarly, the anonymously written responses to Dr. (b)(6); (b) by members of the Pom Pon team regarding what the team members liked and disliked about the Pom Pon team are confidential student records under the Family Educational Rights and Privacy Act ("FERPA"). In addition, such written responses are preliminary notes and drafts gathered by Dr. (b)(6); (b) during her investigation, and, as such, those responses also are not subject to disclosure under FOIA. For those reasons, therefore, the anonymous student responses cannot be provided to you.

The specific dates for which Pom Pon related investigations occurred within the June 2009 through November 2009 timeframe, and the specific time periods covered by each investigation, are contained in the e-mails and Dr. (b)(6); (b) memorandum. As those documents demonstrate, the Central Office investigation began on or about September 28, 2009, and concluded on or about October 15, 2009. Interviews with students at (b)(6); (b) S occurred on October 1, and October 5, 2009.

In your January 28, 2010 e-mail, you also state that it was not necessary for the district to redact your daughter's name from any document that was provided in response to your FOIA request. You also suggest that other e-mails addressing your daughter were not provided. Again, however, all responsive e-mails sent from or received by addresses that include any reference to your daughter directly or indirectly from June 2009 through the date of my meeting with you, November 18, 2009, were provided to you. If you believe any specific e-mails were not provided, please identify those specific records or e-mails and I will be happy to follow up on your concern. In regard to redactions, because this was a request under the FOIA, the district was required to redact all personally identifiable information from any responsive document--including your daughter's own name--as the district's response to your request itself is a record subject to a FOIA request from any other individual. The district, therefore, is treating your January 28, 2010 e-mail as a FERPA request for your daughter's own educational records. As such, as soon as the district can identify those records, and redact any personally identifiable information for other students within those records, they will be provided to you.

The district does not have any text messages sent from or received by (b)(6); (b)(7)(C) cell phone that include any reference to your daughter, directly or indirectly, from June 2009 through the date of my meeting with you, November 18, 2009. In addition, Ms. (b)(6); (b)(7)(C) does not have a district cell phone. Similarly, I know of no restrictions or limitations placed on Ms. (b)(6); (b)(7)(C) texting by any member of (b)(6); (b) School (i.e. Dr. (b)(6); (b) the (b)(6); (b) Central Administrative Office, or Board of Education from the time period June 2009 through the date of our meeting on November 18, 2009.

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

This is confirmation that the FERPA related documents requested from the  
(b)(6); (b)(7)(C) Board of Education were picked up by (b)(6); (b)(7)(C) on June 15, 2011.

2

Signed

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

December 20, 2012

US Department of Education  
400 Maryland Avenue, SW, 7E-247  
Washington, DC 20202  
Attention: Arne Duncan

Dear Secretary Duncan,

If a taxpayer has a question regarding FERPA rights, who should they direct that question to? I thought the US Department of Education (USDE) because the USDE's website provides an address and phone number to contact for "additional information" regarding FERPA. However, emails and phone calls go unreturned when the USDE is contacted. In February 2012, I submitted a letter inquiring as to whether my daughter's FERPA rights had been violated by her school. I followed the inquiry up with at least 5 phone calls and 16 emails, most of which I received no response other than an administrative email response indicating someone would get back to me within a certain time period. I don't believe I ever heard from anyone with the USDE within the time period provided. Eventually (after I sent an email indicating I would escalate my question), I spoke with a (b)(6); (b)(7)(C) who indicated that the department was too short staffed and that the backload of work did not allow for a timely response. While he did not provide an answer to my question, he did indicate the department could potentially suggest to the school that they develop procedures to achieve FERPA compliance. Finally, 9 months after I had submitted my question, I received a letter from Director Dale King indicating that my complaint would not be investigated because it was not received timely. Coincidentally, my question to the USDE was made 9 months after the school provided my daughter's FERPA records. (The time frame for an investigation request is 6 months although not noted on the USDE web site). The letter from Director King also indicated that if I had questions regarding the letter, I should contact Mr. (b)(6); (b)(7)(C). I have placed 2 calls to (b)(6); (b)(7)(C) While the voicemail indicates that a response will be made within two days of leaving the message, I have yet to receive a response from (b)(6); (b)(7)(C) and it has been nearly 3 weeks.

I have two problems with the response received from the USDE:

- Why did it take 9 months to respond given the response was "your complaint wasn't submitted timely?"
- I still don't have my question answered, and I did not request an investigation, but rather asked a question. The USDE website provides contact information for additional information. I'd assume the additional information could be a question or alternate source for having these types of questions answered. However, since I've yet to receive an answer to my question, I'll ask it differently and directly to you along with summary background.

My daughter was bullied by a newly hired part time school employee, who also worked as a full time police officer. There were at least 7 parents who submitted at least 26 emails over a two month period complaining of the new hire's behavior. One occasion involved communicated unwanted forced contact



(stretching) and we complained to the school about it via email. Another parent whose daughter was present also sent an email, describing the incident as an assault in an email to school officials. If school officials contacted you and asked if it were within FERPA guidelines to communicate to the newly hired employee via email:

- that we had accused her of assault.
- that we had accused her of inappropriately touching our daughter

would you advise that these communications were within FERPA guidelines? Based on these school official miscommunications, we were sued for a false accusation of sexual assault. The case was subsequently withdrawn as it was a fabrication. The newly hired employee continued to bully other students, and was terminated seven months later with the district superintendent acknowledging in writing that students feared retaliatory behavior in addition to other reasons. Can you not answer this question without conducting an investigation?

Please find enclosed my letter from February asking this question and Director Dale King's response in November. Mr. Duncan, I would appreciate for you to contact me directly to discuss both the answer to my FERPA question and for me to share the number of communication requests that were ignored throughout the nine month period. I am at least hopeful that someone in the department will return my phone calls, as is documented in Director King's letter.

Sincerely, \_\_\_\_\_ 1

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

Cc:

Director Dale King

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

Members of Subcommittee on Early Childhood, Elementary, and Secondary Education (w/o enclosures)

Members of US Senate Committee on Health, Education, Labor & Pensions (w/o enclosures)



- Failure to provide uninvolved hearing officer
- Failure of hearing officer to provide written opinion within reasonable time
- Inappropriate sharing of confidential information
- Other:  Failure to comply with court order.

Date of Violation: 09/07/2011 TO current

Date Violation Discovered if different from above: \_\_\_\_\_

Other Relevant Information:

(Use this section to add any additional explanatory comments)

I have been dealing with the districts legan counsel since september 2011 and still haven't been aload to view our childrens educational records todote. I have dropped off several court orders showing I am legally able to have the information and been stonewalled every step of the way.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yours Truly,

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



May 30, 2012

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

U.S. Senator Ron Johnson

Attn. (b)(6); (b)(7)(C)

517 E. Wisconsin Avenue, Room 408

Milwaukee, WI 53202

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

I have seen the response from the U.S. Department of Education Dated May 17<sup>th</sup> 2012. They have stated their policy of timeliness being an issue in that a complaint must be filed within 180 days of the alleged violation.

It is necessary that we back up and fully understand the importance of FERPA Law and focus on the first step. The U.S. Department of Education and its own designed FERPA LAW states it is mandatory that member schools must Annually Post FERPA Law to its constituents.

As a United States Citizen and Constituent of (b)(6); (b)(7)(C) School with Children attending the (b)(6); (b)(7)(C) School at the time of alleged violations, I am entitled to be informed of what FERPA LAW is and how it protects my children.

On June 5, 2008 a privacy violation occurred as Principal (b)(6); (b)(7)(C) School wrote a 3 page letter about our Son's Education and our Son's health along with our Son's name. He released this letter along with 29 other personally identifiable pages about our children and other children without written permission from the (b)(6); (b)(7)(C) Family.

On June 8<sup>th</sup> I reported the actions of Principal (b)(6); (b)(7)(C) to Board President (b)(6); (b)(7)(C), the elected official had the opportunity to inform me of FERPA Violations and did not.

December 2008 I was still battling the abuse of our Son and (b)(6); (b)(7)(C) School Board Member (b)(6); (b)(7)(C) came to our home. Mr. (b)(6); (b)(7)(C) read the information that Principal (b)(6); (b)(7)(C) had released to others. At this time Mr. (b)(6); (b)(7)(C) informed us that he believed there was a law that was similar to HIPAA privacy law that would pertain to Principal (b)(6); (b)(7)(C) alleged violation. He did not know the name of this law of which he was speaking about.

I hereby make complaint (b)(6); (b)(7)(C) School had failed to Annually Post FERPA Law to its (b)(6); (b)(7)(C) School constituents as well School Board members for the year of 2008 and 2009.

The facts of the Emails provided between (b)(6); (b)(7)(C) School's board member (b)(6); (b)(7)(C) fully support the failure to Annually Post FERPA Law. The failure of Gibraltar (b)(6); (b)(7)(C) School to annually post FERPA Law must therefore allow the past claims initiated by (b)(6); (b)(7)(C) in addition to this reiterated claim of failing to Annually Post FERPA Law.

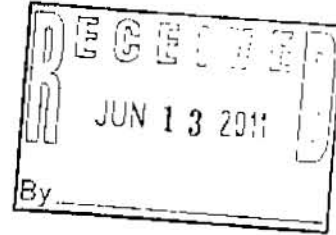
Sincerely

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

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

June 6, 2011

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



RE: (b)(6); (b)(7)(C) **University in Violation Of FERPA**

I hereby lodge an official complaint against (b)(6); (b)(7)(C) University on behalf of myself, who attended the University, 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 provide access to an education record**
- Failure to publish local access and hearing procedures
- Inappropriate person(s) granted 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: Continuing (as of May 19, 2011).  
 Date Violation Discovered if different from above: May 19, 2011

**Other Relevant Information:**

*(Use this section to add any additional explanatory comments)*

I have repeatedly requested access to a written report of an investigation of hostile-environment and sexual harassment I endured on the basis of my sexual orientation and my sex. This report was called a "Memo." This report was commissioned by the Vice President of Student Affairs (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) University, who brought in an outside investigator, (b)(6); (b)(7)(C) without my consent in order to interview me about my complaints. (b)(6); (b)(7)(C) told me that he could not provide me a copy of the written report of his investigation, unless Vice President (b)(6); (b) approved my access to the written report. Then, I asked Vice President (b)(6); (b) (7)(C) for the written report. Vice President (b)(6); (b) repeatedly told me that I was not allowed access to that report, that it was for his "edification" only. I was told mockingly by him that it was "no mystery." I ultimately left the University because of the continuing harassment.

I submitted a FERPA request for a copy of the written report of the outside investigator, but that request was ignored. The General Counsel, (b)(6); (b)(7)(C), told me in a letter I received on May 23, 2011 that Vice President (b)(6); (b) (7)(C) did not keep education records. She would not give me access to the memo because it was not an education record. It was an inappropriate policy and practice of the University not to keep my written report of sexual harassment allegations as an education record, and not to inform me of the outcome of that report. I believe that this constitutes an unlawful practice regarding access.

Second, Vice President (b)(6); (b) brought in the outside investigator, a former student who was not employed with the University, to interview me without my consent. Vice President (b)(6); (b) did not report the use of the outside investigator pursuant to the Fair Credit Reporting Act. Vice President (b)(6); (b) also told the entire student body about my harassment complaints by blast e-mail. Vice President (b)(6); (b) told faculty and staff to forward his letter including information about my complaints to anyone who would be interested. As a result, the faculty and staff who received his letter sent it to student groups, and students. My harassers invaded my residence hall to assault and batter me after finding out I had complained about them. I believe that this constitutes unlawful disclosure.

Finally, there are two other issues. First, according to the University's policy, "re-disclosure by the complainant of a "not responsible" [for sexual misconduct] decision to anyone without the prior consent of the accused is a violation of FERPA." I respectfully request that this be explained to me. Second, I began seeing a school counselor due to the harassment. I told this counselor about the harassment and physical abuse I received almost daily. I told this counselor that I was considering suicide. The counselor failed to convey known information to anyone in the administration of my imminent risk of suicide, and did not take action to prevent foreseeable harm to me. The reason was that she believed she would violate confidentiality rules if she told anyone of what I informed her about during our meetings. As a result, I attempted suicide. The counselor explained to administrators that she knew of this risk for some time, but that she withheld this information because she was unsure about whether or not she would violate my confidentiality.

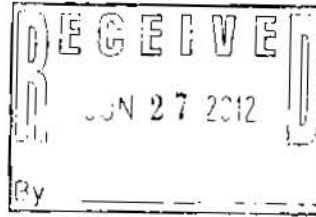
Very truly yours,

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

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



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



June 18, 2012

Family Policy Compliance Office  
400 Maryland Avenue, SSW  
Washington, D.C. 20202

RE: FERPA Complaint on behalf student (b)(6); (b)(7)(C) Saint Louis Public School District

To whom it may concern,

We have tried since early January 2012 to get our son's school records and have been unsuccessful. You will see from the enclosed documentation that we have tried many routes before resorting to the complaint system. We believe the Saint Louis Public School System at (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) violated IDEA state and federal regulations and request to file a complaint against them in the area of FERPA.

Please find enclosed copies of 2 Missouri DESE child complaint forms completed on behalf of our son who was a student at (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) in the St. Louis Public School district, St. Louis, MO. I have also supplied documentation to show why we are filing the complaint, provide a time line and contact names and addresses. (b)(6); (b)(7)(C) transferred from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) at Thanksgiving break 2011. He will be attending an area Charter school next fall. It is important that we locate these records.

I have mailed copies of the DESE Child complaint model form enclosed to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

We will also be filing separate complaints to the same schools for failure to implement (b)(6); (b)(7)(C) IEP, failure to utilize his positive behavioral intervention plan and teacher of retribution to the child for our attempts to get the IEP implemented.

I request that you please provide feedback as to how this complaint process will proceed and please let me know if you need more information or if I need to direct this information to another source.

Regards

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

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

June 18, 2012

Missouri DESE  
C/O Child Complaint Coordinator  
P.O. Box 480  
Jefferson City, MO 65102-0480

RE: 2 child complaint forms and documentation for student (b)(6); (b)(7)(C)

To whom it may concern,

Please find enclosed 2 child complaint forms completed on behalf of our son who was a student at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) in the St. Louis Public School district. I have also supplied documentation to show why we are filing the complaint and provide a time line. (b)(6); (b)(7)(C) transferred from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) at Thanksgiving break 2011. He will be attending an area Charter school next fall.

We have tried since January 2012 to get (b)(6); (b)(7)(C) school records and have still been unsuccessful. You will see that we have tried many routes before resorting to the complaint system. We believe the Saint Louis Public School System at (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) violated IDEA state and federal regulations and file these complaints in the area of FERPA.

I have mailed copies of the DESE Child complaint model form enclosed to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

We will also be filing separate complaints to the same schools for failure to implement (b)(6); (b)(7)(C) IEP, failure to utilize his positive behavioral intervention plan and teacher of retribution to the child for our attempts to get the IEP implemented.

Please let me know if you need more information or if I need to direct this information to another source.

Regards,

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

## Memorandum For: Family Policy Compliance Office

From: (b)(6), (b)(7)(C)

Subject: Complaint of Violation of FERPA

Date: August 30, 2010

I am making this complaint on behalf of my son, (b)(6), (b)(6), (b) Jr. who has not reached the age of 18. Student records of my son were improperly accessed by secretarial staff at (b)(6), (b) School in (b)(6), (b) NM. The school is part of the Gallup-McKinley County School district. School and district personnel have been notified of the improper access. They have failed to correct the problems.

On or about August 11, 2010 I personally observed (b)(6), (b)(6), (b)(7) the book keeping secretary at (b)(6), (b)(6), (b) School access a locked filing cabinet containing my son's Individual Education Plan (IEP). She attempted to look through the IEP's before being stopped. The cabinet was located in the Special Education office. She did not have authorization to enter the Special Education office, nor did she have authorization to open and peruse the IEP's.

On or about August 17, 2010 I was discussing my son's enrollment with the school's registrar. Miss (b)(6), (b) was apparently eavesdropping on the conversation. Miss (b)(6), (b) began telling me which classes my son would take, and why he would take them. She told me that he would not be taking his special education classes. Based upon her comments, Miss (b)(6), (b) was clearly knowledgeable about private information from my son's protected education records. I refused to discuss the issue with her and I politely, yet firmly dismissed her.

I have attempted to address the issue at the school. The school staff has been defiant and quite belligerent. The principal, Miss (b)(6), (b)(7)(C) claims that she may access any student records, for any reason. She also claims that she has authorized her cousin, Miss (b)(6), (b)(7) to access any student records, for any reason. Contrary to her claims, Miss (b)(6), (b)(7) may not have unattended access to IEP's, nor may she arbitrarily authorize her family members to access records not needed to accomplish their legitimate work-related responsibilities. As the book keeping secretary, Miss (b)(6), (b) has no legitimate need to access student academic or special education records.

I have attempted to address the issue with the principal's supervisor, (b)(6), (b)(7), (b)(6), (b)(7) who is an assistant superintendent for the school district. I left her a voice mail message on August 20, 2010. I spoke with her on the phone on August 23, 2010. She was informed that her subordinates had gained unauthorized access to my son's records and that the locked

**FERPA Violation Complaint From (b)(6) M. (b)(6), (b)**  
**August 30, 2010**  
**Page 1 of 3 Pages**

cabinet containing my son's Individualized Education Plan had been accessed. Miss (b)(6); (b)(7)(C) seemed quite disinterested. She suggested I fill out some district complaint form. I declined because the form allows excessive response times for the offending parties. Using the form might be erroneously construed as an acceptance by me of a long delay in fixing the issues. Instead, I was adamant that the problems be fixed and that the records be secured immediately. As of today I have not been contacted by Miss (b)(6); (b)(7)(C) and the record security problems remain.

I attempted to address the issue with Miss (b)(6); (b)(7)(C) supervisor, Mr. Arsenault, the Superintendent of the Gallup-McKinley County School district. He has been out of town, so I left a message with his secretary.

At present, Miss (b)(6); (b)(7)(C) has virtually unlimited access to all student records stored at the school. The school and school district have failed to appropriately restrict her access to student education records. She has shown a willingness to inappropriately access student records, therefore, student records remain inappropriately secured. I have requested that the school and district secure the records. They have not. The principal and her cousin, the book keeping secretary have repeatedly bragged about violating student privacy.

As you can see, I have diligently attempted to resolve the issue. I have notified school district personnel of the violations, yet the issues remain unresolved.

(b)(6); (b)(7)(C) School Special Education Department Chairwoman witnessed Miss (b)(6); (b)(7)(C) access the IEP cabinet. She also has other information regarding FERPA violations. (b)(6); (b)(7)(C), the school district's Director of Special Education probably has information on FERPA violations. I have been told that (b)(6); (b)(7)(C) school personnel bragged to (b)(6); (b)(7)(C) about improperly accessing student records.

**Contact Information:**

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

Raymond Arsenault, District Superintendent  
Gallup-McKinley County Schools  
P.O. Box 1318, Gallup, NM 87305  
505-721-1000

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

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

(b)(6); (b)(7)(C) Director of Special Education  
Gallup-McKinley County Schools  
P.O. Box 1318, Gallup, NM 87305  
505-721-1000

(b)(6); (b)(7)(C) Special Education Department Chairwoman  
High School

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

I greatly appreciate your attention to this matter. If you need additional information, please feel free to contact me.

Sincerely, *[Handwritten Signature]*

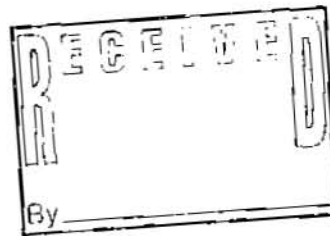
(b)(6); (b)(7)(C)

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

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

December 9, 2011

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



Dear FPCO:

I was a student at [redacted] (b)(6); (b)(7)(C) U) within the Physician Assistant (PA) Program from May of 2008 until September of 2011. Over the past year, I have made repeated requests for access to (and/or copies of) my education records under FERPA, which [redacted] (b) U has failed to grant (or even respond to) on numerous occasions. Consequently, I would like to file a complaint with the FPCO regarding [redacted] (b) U's actions.

A comprehensive history and summary of the FERPA requests that are the subject of this complaint can be found in my **November 11, 2011 and December 7, 2011 letters to [redacted] (b)(6); (b)(7)(C) Vice President for Student Affairs**; copies of both letters are enclosed. As I note in my November 11, 2011 letter, according to official [redacted] (b) U documentation, [redacted] (b)(6); (b)(7)(C) is the designated FERPA contact for [redacted] (b) U.

If you have any questions or concerns regarding this complaint, please feel free to contact me at your convenience. Thank you for your time and consideration.

Sincerely,

[redacted signature block] (b)(6); (b)(7)(C)

Enclosure (2)

FYI: I believe [redacted] (b) U is **deliberately** preventing me from accessing my education records because they are potentially very damaging for [redacted] (b) U. Here is a brief summary of why I firmly believe that is the case:

July of 2009: The Program is made aware of and confirms widespread cheating by dozens of students on quizzes administered during clinical rotations. As my November 11, 2011 letter documents, Program Director, Mr. [redacted] (b)(6); (b)(7)(C), acknowledges via e-mail I am **not** involved in the cheating.



Late June of 2010: I begin my final clinical rotation (PYAS676) with the Medical Director of the Program [REDACTED]. Having successfully completed all other didactic and clinical requirements to date with a 3.50 GPA overall, **I am only 9 weeks away from completing the Program when I start with Dr. [REDACTED]**. Moreover, to the best of my knowledge, I have not failed a **single** graded assignment, exam, practical, or course in the Program to date.

During the very beginning of my final clinical rotation, **I observe Dr. [REDACTED] and Physician Assistant Ms. [REDACTED] commit, what I believe to be, medical billing fraud on several occasions.** I verbally inform my Clinical Faculty Advisor, Mr. [REDACTED] about the highly irregular and potentially fraudulent billing behavior of Dr. [REDACTED] and Ms. [REDACTED].

I am subsequently dismissed from my final clinical rotation for "behavioral issues" after spending a total of **only 6 clinical days** there. This dismissal occurs **only 3 clinical days** after verbally informing Mr. [REDACTED] about what I had observed.

I do not believe the timing of my dismissal is a coincidence. Besides being Medical Director of the Program, [REDACTED] has given large sums (>\$100,000) of money to [REDACTED] U and/or the Program. Furthermore, at the time, Mr. [REDACTED] and at least one other Program faculty member, Mrs. [REDACTED] **have been employed at Dr. [REDACTED]'s private practice part-time for several years.** In addition, Dr. [REDACTED] is (or was) the Medical Director of [REDACTED] U's [REDACTED] Health Services (student clinic), is [REDACTED] U's Team Physician, and is the Medical Director of [REDACTED] U's Athletic Training Program. All of this represents an obvious and serious conflict-of-interest.

July 8, 2010: I expound on the billing irregularities I observed during a **digitally recorded** meeting with several Program faculty. I also attend a second **digitally recorded** meeting with several Program faculty and Ms. [REDACTED]. During the second meeting, I am almost certain Ms. [REDACTED] talks about her practice of **documenting heart murmurs on patients' charts that do not actually exist**, so that the patients' insurance will cover cardiac ECHO tests she wants to have done on them.

July 19, 2010: I am summoned to a meeting with several Program faculty where I am presented with a "behavioral contract". I am told an "investigation" has been conducted and the contract is a result of that investigation. I am also told I will be receiving a grade of E for PYAS676 due to my dismissal from my final clinical rotation with Dr. [REDACTED]. Within the contract are several **trumped up, baseless, and/or outright false allegations** regarding my behavior at my final clinical rotation. During the meeting, I challenge the allegations, try to defend myself as best as I can, and try to get the Program faculty to address my billing observations. The faculty, however, will not discuss the billing practices of [REDACTED] or Ms. [REDACTED] at all. At the conclusion of the meeting, which is **digitally recorded** in its entirety, I inform the Program faculty present that I will not be signing the contract since it is not accurate or fair. I also state I will be appealing the Program's findings upon consultation with an attorney.

December 12, 2010: I submit my first [REDACTED] grade appeal on the basis of **arbitrary & capricious evaluation** as outlined in the [REDACTED] U Student Handbook.

December 12, 2010 – March of 2011: Over a 4-month period all of my [REDACTED] 676 grade appeals are denied; first by [REDACTED], then by Mr. [REDACTED] and then by the College of Education

and Human Services Interim Dean, Dr. (b)(6); (b)(7)(C) I subsequently discover that Dr. (b)(6); (b)(7)(C) also serves as Chair of the Department of Health Science. This means Dr. (b)(6); (b)(7)(C) has a vital working relationship with Dr. (b)(6); (b)(7) due to the Athletic Training Program being under the Department of Health Science's jurisdiction. This is yet another obvious conflict-of-interest.

March of 2011: I submit numerous education record requests to (b)(6) under FERPA to obtain evidence to use in my (b)(6) 676 grade appeals. No one from (b)(6) ever responds to my requests, save one, which is finally honored by Registrar, Ms. (b)(6); (b)(7) on April 15, 2011. **Those FERPA requests are the subject of this complaint.** I also submit numerous record requests to (b)(6) under the Pennsylvania Right-To-Know Law and via the grade appeal procedure outlined in the (b)(6) *Student Handbook*. Every one of those requests are either ignored or eventually denied.

March 28, 2011: I have only one appeal left before my final grade appeal to (b)(6); (b)(7) President. As required, I submit my second to last appeal to Provost and Vice President for Academic Affairs, Dr. (b)(6); (b)(7) I state my case again, except this time I **explicitly state** that I will be filing a lawsuit and going public with my billing fraud allegations, if my appeal is not eventually granted within (b)(6); (b)(7).

April of 2011: Dr. (b)(6); (b)(7) essentially grants my (b)(6); (b)(7) 676 grade appeal on my terms, and in doing so, acknowledges that my (b)(6); (b)(7) 676 grade was assigned on the basis of arbitrary & capricious evaluation. However, Dr. (b)(6); (b)(7) also stipulates I must pass two tests – a comprehensive written exam and a practical (physical exam on mock patient) – before being allowed to return to a final clinical rotation to complete (b)(6); (b)(7) 676 and graduate. **I find the practical requirement quite troubling because making me pass a practical is the only subjective test that can prevent me from graduating now.** Why? I have already passed every other subjective test required by the Program for graduation. I also submit additional and/or repeat education record requests to (b)(6); (b)(7) under FERPA. No one from (b)(6); (b)(7) ever responds to my requests. **Those FERPA requests are the subject of this complaint.**

Late August – September of 2011: I write Mr. (b)(6); (b)(7) in order to start making arrangements for taking the two tests, so that I can return to a final clinical rotation and complete (b)(6); (b)(7) 676. I never hear back from him. I subsequently discover on my own that Mr. (b)(6); (b)(7) is on sabbatical and there is now a new Program Director, Mrs. (b)(6); (b)(7) **the same Mrs. (b)(6); (b)(7) who works at Dr. (b)(6); (b)(7)(C) private practice part-time.** I write and e-mail Mrs. (b)(6); (b)(7) to start making arrangements for taking the two tests. Meanwhile, I prepare for the two tests and take care of any other final clinical rotation requirements like background checks, drug screens, etc. I pass all of the other final clinical rotation requirements.

September 15, 2011: I take the practical. **Several things strike me as odd right away.** First, my performance is recorded on video; this has never been done before. Second, I am told the video of my performance must be evaluated by two other Program faculty members before I can get my results. Evaluating the practical this way is a **clear violation** of the practical policy as stated in the *2008-2010 PA Program Student Handbook*. **I know this because I passed this exact same practical twice before without any difficulty.** Both times, just like the practical policy stipulates, I was evaluated by a **single** faculty member and I was given my results **immediately** after the practical. This time, however, the practical is handled very different from the policy

requirements. I then take the comprehensive written exam and I know right away that I have passed with **very good scores**. With all of the testing done, I am about to leave for home, when Mrs. (b)(6) tells me she still doesn't have my practical result. She then tells me she will have to get back to me with my result.

September 16, 2011: I am informed in writing by Mrs. (b)(6) that I have **failed the practical**. She then provides a list of deficiencies from my September 15, 2011 practical that I must address. Most troubling is the fact that I am charged with violating an automatic fail criteria – i.e. palpating (feeling) the carotid arteries before auscultating (listening to) them – **when the former Program Director, Mr. (b)(6); (b)(7)(C) does this exact same thing** in the training video for this practical. Mrs. (b)(6) also states I will be given a chance to retake the practical.

September 26, 2011: I retake the practical. I try my best and perform the practical like I have extensively practiced it. Mrs. (b)(6) again tells me she will need to get back me with my practical result.

September 28, 2011: I am told by Mrs. (b)(6) in writing that I have now **failed the retake**. Her letter is very vague as to why I specifically failed. Most troubling, though, is **I am not told which two other Program faculty evaluated my practicals**. Also, rather than being explicitly dismissed from the Program by Mrs. (b)(6), I am instead “denied rematriculation” into the Program.

October 4, 2011: I write Mrs. (b)(6) and request copies of both practical videos and both practical evaluation forms. I also ask for clarification of my current Program status given the lack of explicit dismissal in her September 28, 2011 letter.

October 11, 2011: Mrs. (b)(6) informs me in writing that I was dismissed from the Program effective September 28, 2011, due to my failure of the September 26, 2011 retake. This dismissal clearly violates the practical policy listed in the *2008-2010 PA Program Student Handbook*, **which explicitly states a student has three chances to pass a practical prior to being dismissed; I was only given two chances before being dismissed**. Mrs. (b)(6) also states that my dismissal from the Program can be appealed to Interim Provost and Vice President for Academic Affairs, Dr. (b)(6); (b)(7)(C); however, she is silent as to my October 4, 2011 request for copies of both practical evaluation forms.

October 13, 2011: I write Mrs. (b)(6) and again request copies of both practical evaluation forms.

October 19, 2011: I receive a response from Mrs. (b)(6) in writing regarding my October 4, 2011 request for both practical evaluation forms. She informs me I will be sent copies of both practical evaluation forms in the mail.

Late October of 2011: I finally receive the practical evaluation forms for the September 15, 2011 and September 26, 2011 practicals. **I discover that Mr. (b)(6); (b)(7)(C) was one of the faculty evaluators for both practicals**. Since Mr. (b)(6); (b)(7)(C) was the Program faculty member that I initially reported the medical billing irregularities to in June of 2010, this is an obvious conflict-of-interest. In addition, there are **significant contradictions and discrepancies** between the practical evaluation forms and with what Mrs. (b)(6) previously reported to me in writing regarding the practicals.

November 11, 2011: I send (b)(6); (b)(7) a letter via e-mail reminding her of my April of 2011 FERPA requests, which she never responded to (see Enclosure). I also request copies of additional education records for my appeal to Dr (b)(6); (b) I ask Dr (b)(6); and/or (b)(6) to respond to my November 11, 2011 letter **by November 18, 2011.**

December 2, 2011: I receive a letter from Dr (b)(6); (b) dated **November 22, 2011**; the envelope for her November 22, 2011 letter is postmarked November 30, 2011.

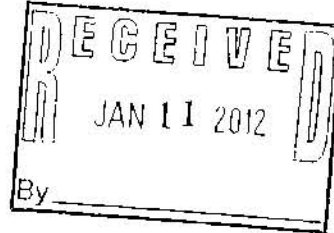
December 7, 2011: I respond to Dr (b)(6); (b) November 22, 2011 letter, which has **several inaccurate and contradictory statements** regarding my previous FERPA requests (see Enclosure). I provide (b)(6); (b) with an accurate summary of my FERPA requests to date and (b)(6); (b) response to those requests.

December 9, 2011: I am forced to file a complaint with the FPCO given (b)(6); (b) actions to date. Over the past year, I have made repeated requests for access to (and/or copies of) my education records under FERPA, which (b)(6); (b) has failed to grant (or even respond to) on numerous occasions. Given what I have outlined above, I firmly believe (b)(6); (b) is **deliberately preventing** me from accessing my education records because they are potentially very damaging for (b)(6); (b).

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

January 6, 2012

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-0001



Dear FPCO:

I filed a **December 9, 2011 complaint** regarding (b)(6); (b)(6); ( University (b)(6); with the FPCO. Since there are some new developments regarding this complaint, I am writing this letter to **update** the FPCO.

As you may recall, I was a student at (b)(6) within the Physician Assistant (PA) Program from May of 2008 until September of 2011. In 2011, I made repeated requests for access to (and/or copies of) my education records under FERPA, which (b)(6) failed to grant (or even respond to) on numerous occasions.

On January 3, 2012, Mr. (b)(6); (b)( S. (b)(6); (b)(7) (b)(6); Legal Counsel, responded to my December 7, 2011 letter to Dr. (b)(6); (b)(6); Vice President for Student Affairs. Dr. (b)(6); is the designated FERPA contact for (b)(6);

On January 6, 2012, I responded to Mr. (b)(6); (b)(7) January 3, 2012 letter (see Enclosure).

If you read my January 6, 2012 letter, I think you will find that Mr. (b)(6); (b)(7) January 3, 2012 letter has **several significant inaccuracies** regarding (b)(6); ( response to my previous FERPA requests. In addition, I think you will conclude that (b)(6) is **undeniably** in violation of the 45-day time limit regarding my November 11, 2011 FERPA request to Dr. (b)(6);. As I stated previously in my December 9, 2011 complaint, I firmly believe (b)(6); is **deliberately** preventing me from accessing my education records because they are potentially very damaging for (b)(6);.

If you have any questions or concerns regarding this update, please feel free to contact me at your convenience. Thank you for your time and consideration.

Sincerely,

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

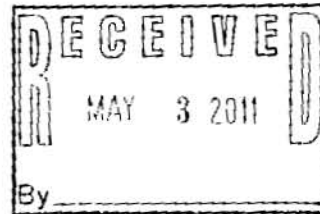
Enclosure (1)



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

April 25, 2011

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 Mecklenburg County, NC on behalf of (b) (b)(6) (b)(6) (b) and other students who attend (b)(6) (b)(6) (b)(6), (b)(7) (b) 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: (b) Pfifer, Molley (b) and other students  
 Date: April 25, 2011  
 Person responsible for Entry or person currently maintaining record:  
 Mrs. (b)(6), (b)(7) (Dean of Students), Mr. (b)(6), (b) (7)(C) (Principal) and Mr. (b)(6), (b)(7) (C) (Guidance Counselor)  
 Date challenged content discovered: N/A

**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) (b)(6) 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: April 25, 2011  
 Date Violation Discovered if different from above: N/A

**Other Relevant Information:**

*(Use this section to add any additional explanatory comments)*

At 8 am on April 25, 2011, (b) (b)(6) an ( )-year old student at (b)(6), (b) (b)(6), (b)(7) School, currently homeless and living in my home, asked that his transcripts be released to him that day. He is leaving the following day, moving out of the county to attend a transitional adult program. I escorted him to the office, watched him fill out the request, give permission to Mr. (b)(6), (b) (7)(C) to release sealed transcripts to (b)(6), (b) (my daughter). At that time, (b) told Mr. (b)(6), (b) (7)(C) that his parents were not to be notified nor were they to make any requests for (b)(6), (b) records. Mr. (b)(6), (b) requested that we notify the



Guidance Counselor, Mr. (b)(6); (b)(7) of the request, as well as the approval by (b) that (b)(6); (b) pick up the sealed records at lunch time to bring home to (b)(6). I returned back to the school at 8:30 am to drop off a textbook (Geometry), that the school had to have back in order to release the transcripts. At that time, Mrs. (b)(6); (b)(7) requested that I come into her office where she proceeded to begin a discussion with me about (b)(6); behavior and that "I don't know the whole story". I told her that (b)(6); privacy mandated that we not discuss this. She said that she spoke with his parents (mother) and that he was not leaving the school. I told her that this conversation was inappropriate and immaterial to the situation. She said the father wanted to speak with me and may he have my number. I left the office. (b)(6); (b) went to Mr. (b)(6); (b)(7) to pick up the records at noon. Mr. (b)(6); (b)(7) informed her that the records would not be released because Mrs. (b)(6); (b)(7) told Mr. (b)(6); (b)(7) that (b)(6); mother had called her and told her not to process the request or release the records to her son. (b)(6); I called Mr. (b)(6); (b)(7) who informed me of that Mrs. (b)(6); (b)(7) told him at the bequest of (b)(6); mother, that the records were not to be released to (b) nor was Mr. (b)(6); (b)(7) to process the request. I asked him how many inappropriate people were allowed access to the students records, he refused to answer. I became concerned about the violation to (b)(6); privacy and my daughter's as well.

I called and spoke with (b)(6); father because getting (b)(6); transcripts were necessary. He agreed to help in this case (but would not provide any of the other documents (b) needed-social security card, and birth certificate).

I called and spoke to the principal, Mr. (b)(6); (b) He told me that I could not make a complaint and that he did not believe that it happened. I could do what I want but that Mr. (b)(6); (b)(7) lied to me. I could file a complaint against he and Mrs. (b)(6); (b)(7) but they could do what they wanted with any student's records and there was not much I could do about it. He would ensure that my complaint would be put to rest with the board and anyone else. He said he would only release (b)(6); records if his father showed up.

He then called me to tell me that he released the transcripts to (b)(6); father.

I am very concerned about this public charter school. While this may appear to be an isolated incident, I believe that this is not the only incident in which violations of FERPA may have taken place. I base this on how this situation was handled as well as the defensive posture of the principals. In addition, the lack of support provided this at-risk teen informs me that there is something seriously wrong with the top leadership of the school. This morning was not confined to this FERPA violation, I was also made aware that Mr. (b)(6); (b) and Mrs. (b)(6); (b)(7) knew that (b) had been made homeless. They believed that he was a minor at the time he was put on the street. It was their position at first this morning that he may not have his records because he was a minor. This would mean that they intentionally withheld information and did not inform the appropriate authorities on the neglect and abuse (b) was receiving at the hands of his parents. I am not sure what is going on at the school but I will now address my concerns to the appropriate agencies.

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

Cc:  
(b)(6); (b)(7)(C), President, Board of Directors, Queen's (b)(6); (b)(6); (b)(7)(C) (b) School  
Mr. Pete Gorman, Superintendent, Charlotte-Mecklenburg Schools  
Federal and State Compliance Programs, Charlotte-Mecklenburg School  
(b)(6); (b)(7)(C) Office of Charter Schools, Department of Education, North Carolina  
June St. Clair Atkinson, NC Department of Education Superintendent  
Council for Children's Rights, Charlotte, NC

March 23, 2012

Family Policy Compliance Office

US Department of Education  
400 Maryland, SW  
Washington, DC 20202



I would like to introduce myself, my name is (b)(6); (b)(7)(C) and I have a problem with my transcript from (b)(6); (b)(7)(C) College. I alerted the registrar's office in July 2011 that my transcript was incorrect. The transcript only had 46 credits listed from the year 1979 to 1981. I attended (b)(6); (b)(7)(C) in 9/1976 as an occupational therapy student then switched to computers in 1979. All of my records from 9/1976 up to 1979 are missing. I have waited patiently since July 2011 and I recently received an email stating that I will receive a new transcript with a stamp stating that 14 credits were taken and passed. They can't acknowledge the previous courses from 1976 because they can't find them.

I emailed the registrar back stating that was unacceptable. I find it hard to believe that I am the only student that this has happened to and I think the problem might be bigger than originally thought. I have called and emailed the registrar many times over the past nine months. The answer is just not acceptable. I am not sure if you are the person that I should be writing to for answers. I will start with your department and continue on. I have asked one of my local Politicians to help me find out what happened to my records.

I currently work as a paraprofessional for the (b)(6) School System and I can't apply for raises or for other jobs because I can't show all of my credits. This is affecting my livelihood and the livelihood of my family. I can't apply to other colleges to continue my education because the transcript is incomplete. No one at the (b)(6) Registrars office has been able to give me a satisfactory answer..

Can you please help me?

Sincerely,

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

225 MONITOR STREET  
BROOKLYN, NEW YORK 11222

December 21, 2011

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

To Whom It May Concern:

In late July or early August, you received a Family Educational Rights and Privacy Act (FERPA) complaint from my wife and I. The complaint centered on the (b)(6); (b)(7)(C) School Corporation providing (b)(6); (b)(7)(C) College with confidential information about my daughter's Indiana State Standardized Testing Scores and/or her pass or fail status. (b)(6); (b)(7)(C) Each then used the information to single out my daughter, (b)(6); (b)(7)(C) and other students who had failed all or a portion of the testing in a very public setting.

At this time we have reached a satisfactory agreement with the (b)(6); (b)(7)(C) School Corporation and wish to withdraw my complaint. So we make formal request to withdraw the complaint on this date, December 21, 2011.

Thank you very much.

Respectfully,

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

July 21, 2011



To: Family Compliance Office  
United States Dept. of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920

cc To: Office for Civil Rights  
United States Dept. of Education  
Citigroup Center  
500 West Madison St., Suite 1475  
Chicago, Illinois 60661

Complainants:

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

On behalf of:

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

Violation: Family Educational Rights and Privacy Act (FERPA)

- 1) Disclosure by school officials of individual test result information to an entity (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) COLLEGE) that had no right to the information.
- 2) Failure to notify parents of the above disclosure or to seek permission for such.
- 3) Singling out, by a representative of the entity (b)(6); (b)(7)(C) COLLEGE), those individuals who failed the ISTFP (Indiana Standardized Testing); thereby subjecting those individuals to embarrassment, ridicule, public humiliation and stigmatization.
- 4) Date of Violation: November 23, 2010

Location of Violation: (b)(6); (b)(7)(C) COLLEGE—220 Dean (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)

## Text of Complaint:

During a school field trip to (b) (6) (b) (6); (b) (7)(C) COLLEGE, the members of the (b) (6) Intermediate Center (b) grade were guided into a room by an employee of (b) (6) (b) (6) named (b) (6); (b) (6); (b) (6) Ms. (b) (6) had all of the children sitting down. Ms. (b) (6) then called names and asked those children to stand in a line. Once Ms. (b) (6) had called all of the names on her list, she pointed to the children standing and stated to the children still sitting that these standing students had failed all or part of the ISTEP. Our daughter, (b) (6) and a few other children standing in the line were quietly crying. The group of children sitting, who HAD passed the ISTEP were then led from the room to go on to another activity and the children standing who had NOT passed the ISTEP were led to a different activity. As the "passing group" filed toward the door, (b) (6) was weeping and was subjected to comments such as, "Gee (b) (6) I thought you were smart."

Our daughter, (b) (6) was (b) years old and in (b) grade at the time of this event. (b) (6) has Asperger's Syndrome. She is a bright, intelligent, kind and creative young lady who struggles in certain areas of learning. Since it was not (b) (6); (b) fault she failed the ISTEP, we never told her that she failed only the math portion. So this public announcement was a shock to her as well as humiliating.

(b) (6) came home that day in tears relaying the events described above. (b) (6) in relating the experience to her mother, stated "I think what she (Ms. (b) (6)) said was really, really rude. She humiliated all of us."

It is obvious that (b) (6); (b) School, (b) (6) Intermediate, had provided the confidential information about the ISTEP scores to (b) (b) (6). They did this without parental permission or knowledge. That the (b) (b) (6) employee, Ms. (b) (6) used the information for such a public disclosure is an extremely egregious act for an employee of an educational institution. When an (b) (6) Intermediate employee was asked why the students who had failed all or part of the ISTEP were singled out, she stated it was a way to motivate the students who had failed.

As parents, our concern led us to discuss this event with (b) (6); (b) Teacher of Record, Mrs. (b) (6). When Mrs. (b) (6) was unable to explain what happened at (b) (b) (6) (b) (6); (b) (7)(C) COLLEGE we asked to speak to (b) (6) Principal, (b) (6) (b) (6) Mrs. (b) had not been along on the field trip because the school had just experienced the sudden death of a staff member. Mrs. (b) expressed surprise at the events described above. We told her that our focus was that this event never be repeated and that while advocating for our daughter, we were also deeply concerned about how the other children were affected by this incident. In an attempt to negotiate some sort of a resolution, we asked Mrs. (b) to give all of the singled out students an apology. Mrs. (b) stated she could not do that, so we requested a personal apology to our daughter, (b) (6). Mrs. (b) agreed to offer the apology to (b) (6) that very day. (b) (6) reports that no apology occurred and this remains true to this date. In the interim, we have discussed the matter with several (b) (6) teachers who were on the field trip and some who were not. It seems clear that no one knew that the information would be used in the fashion that occurred. These teachers have expressed their shock and sincere apologies to us on more than one occasion.

In addition to the violation of FERPA cited, it is our belief that (b)(6); (b) civil rights have also been violated and to that end, we are copying this letter to the Office of Civil Rights, U.S. Department of Education in Chicago, Illinois.

It is our belief that the following constitute violations of (b)(6); (b) civil rights:

1. Exposure to public ridicule and humiliation.
2. Psychological and emotional harm and duress inflicted by the release of confidential information.
3. In addition, this incident is clearly detrimental to our daughter, (b)(6); and all of the children involved by subjecting them to bullying, lowering self-esteem and self-worth.
4. Personal and familial loss of privacy.
5. Further, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 may have been violated. Our child obviously failed standardized testing due to her disability. She was then discriminated against as a result of the failed score and made an object of public ridicule. In this particular case a reasonable person might also assume that this was specifically unlawful discrimination in a program designed for career education as was the apparent intent of this field trip.

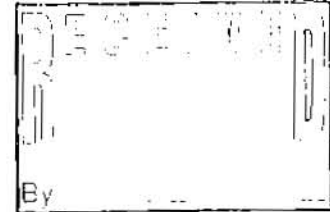
The incident described above has been and continues to be one causing severe consternation and anger within our family. The long-term effects on (b)(6); and the other children may be yet to unfold. We have been informed by experts in the field of special education and by federal attorneys that we cannot allow this matter to go unreported. We respectfully request investigation and redress in this matter.

Respectfully,

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



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



Family Policy Compliance Office  
US Dept. Of Education  
400 Maryland Ave  
S E Wash, D C 20202-4605

Dear: Family Policy Compliance Office,

I am writing this letter not really sure if contacting the right office, Mr. (b)(6); (b)(7)(C) (DOE) directed me to this site .Please direct me if not..My (b)(6); (b)(7)(C) (b)(7)(C) is a (b)(6); (b)(7) (b) in Newark, DE. We have been in a whirlwind on two incidences. One being smoking pot on the bus (copy enclosed) These incidences happened on a Mon. and Tue. was notified on Thur. morning after being searched I was told it was the safety of the school. I immediately ask for an appeal. (b)(6); (b)(7) wanted to bring witnesses. We couldn't afford a drug test or a lawyer. The vice principal (MS (b)(6); (b)(7) ) never returned my call. I called the bus company (b)(6); (b)(7) Bus Transportation) to ask if there was a camera on the bus ,the answer was no. I ask could I have this in writing ,MS (b)(6); (b)(7) (supervisor) Said no she said she didn't see where it was necessary. In returned I explained that I lived in the districts for 45 plus year paying school taxes, I felt a note saying the bus didn't have a camera wasn't a violation. She still refused, I then called my representative (b)(6); (b)(7) his secretary made a call was told the same thing .I asked for her superior (b)(6); (b)(7)(C) was told he was not in and had no voice mail. I took my grandson back to school after he served his suspension and told them he was totally treated unfairly. Ms. (b)(6); (b)(7) said I waited too late to file an appeal, after explaining to her of my efforts to reach her she said her phone was out of order and told (b)(6); (b)(7) to start a file, A after weeks I called the dean and her but never got a call. My grandson was totally upset and told me to stop that it was wasting my time. Still being totally disappointed with the system a message was left on my answering machine that my grandson was being suspended for threatening to leave a teachers room and made a threat to kill him. My family was shocked with (b)(6); (b)(7) saying he was never going back to school. A few days later I got the report by mail (copy enclosed) with a different version of the incident. He was given 5 days suspension and had to be evaluated before he returned. At the return we were told to disregard the call and message that was left and the denial of threatening to leave a room and killing a teacher .We told them we had the tape then the

dean said that was what the teacher told her. The meeting was a total disappointment mainly shifting all the blame on him (b)(6). (b)(6) has ADHD that has made a remarkable change as far as behavior. With all (b)(6); (b) personal issues he is working hard to be a better student. I have no idea what has been put in his records, but I feel the family as a whole have been terrible misled. I told (b)(6). I will not give up because his rights have been denied. All details are not in this letter. As said before this may not be the right department please advise me. I often wonder how many young people that don't have family support and walk away as (b)(6); (b)(7)(C) wanted to do. As I told the school these charges are serious and (b)(6); (b)(7)(C) needs to be able to face his accuser and tell his side.

My email is (b)(6); (b)(7)(C)

My cell # (b)(6); (b)(7)(C) (best contact)

Home # (b)(6); (b)(7)(C)

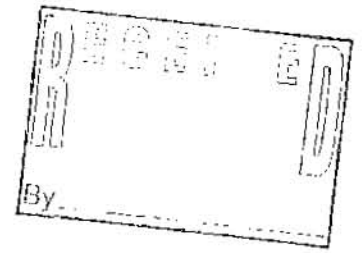
Thanking You In Advance,

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

(

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

5/30/12



TO: Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, D.C. 20202-4605

RE: (b)(1) (b)(1) (b)(6); (b)(7)

I hereby lodge an official complaint against the School District of San Diego, Ca. on behalf of (b)(6); (b)(7) (b)(6); (b)(7)(C) who attends (b)(1) (b)(1) (b)(6); (b)(7) 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: (parent) (b)(6); (b)(7)(C)

Date: 5/30/12

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

Date challenged content discovered: 5/26/12

[ ] 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: confidential information taken off of school property, forgotten and left in a public store

Date of Violation: 5/26/12

Date Violation Discovered if different from above: SAME

Other Relevant Information:

(Use this section to add any additional explanatory comments)

On Saturday 5/26/12 around 4:30pm, a co-worker by the name of (b)(6) called me and informed me that someone had left an IEP at their store. I was not truly aware what she meant until I actually went to the store and picked it up because I was in shock that it was in a place that I nor my parental adviser had ever been to before. I was livid to have found that my child's and my personal information was in a

foreign public place that anyone could have gotten there hand on. I was so glad that they called me. (b)(6) said that she had found my son's IEP and the agenda for the day of the IEP we had just had (5/24/12), with personal notes on it, in the (b)(6); (b)(7) grocery store bag that they had given it to me in and that that was the way they found it; so some who was at that meeting did this. (b) also said that she had no idea who left it and that it was just there when she got to work that day. This carless neglect of my son's personal privet information that is only supposed to be used for his best interest has been thoughtlessly violated and so has our trust.

---

Yours Truly,

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

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

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



Family Policy Compliance  
 U.S. Education Office  
 400 Maryland Avenue SW  
 Washington DC 20202

Reference: FERPA Violation

On Tuesday, February 14, 2012 Mr. (b)(6); (b) (b)(6); (b) (a Special Education Counselor, employed with Victoria Independent School District), alerted me of an infringement of me and my son's right to privacy. On the above noted day at an employee luncheon of Victoria Independent School District, along with non-public school employees Mrs. (b)(6); (b)(6); (b)(7)(C) (a Parent Liaison employed with Victoria Independent School District), verbally expressed to him loudly, and, to those around him saying, "that my son is crazy and she is crazy." She continued to verbally express this statement until he walked away.

My son, (b)(6); (b) (b) a (b) grader that attends (b)(6); (b)(6); (b)(6); School is being treated with medication for ADHD w/Hyperactivity. He has had other developmental and social challenges congruent with children being treated for ADHD w/Hyperactivity. Not only, does my son have developmental issues; but also, a commended student yearly on standardized tests and a Pre-AP student.

Mrs. (b)(6); (b) violated my son's right to privacy and willingly expressed a personal and unprofessional opinion about my son's mental state-including mine. Mrs. (b)(6); (b) abusive behavior of another's vulnerability; is unprofessional and inappropriate for an employee working with children. Anyone committed to effectively educate children should never display this type of disregard for others. Subsequently, Mrs. (b)(6); (b) blatant remarks were slanderous, libel and very hurtful. I am anticipating that Victoria Independent School District will strongly disapprove of this behavior.

FERPA Violation

Subsequently, the central office of the Victoria Independent School District told me, that the principal needed to be informed of the incident. The principal is the appropriate person to report the violation to.

I immediately called to speak with the principal; however, she was unavailable at that time. I left a phone message with the AP (b)(6); (b)(7)(C) returned my phone call, and that evening accompanied by the AP (b)(6); (b)(7)(C) followed up with a meeting.

Mr. (b)(6); (b)(7)(C) and I are waiting to have a formal meeting with the principal. I am requesting a completed investigation and corrective outcomes from her injurious conduct.

Cordially,

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





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

1-Feb-2012

US Dept of Education  
Family Policy Compliance Office  
400 Maryland Dr SW  
Washington, DC 20202

Hello,

I am writing to you about a situation that is of very serious concern to me, and a possible FERPA violation by the educational institution which I am presently attending. I have been a student of (b)(6); (b)(7) (b)(6) (b)(6); (b)(7) and (b)(6); (b)(7)(C) College, enrolled in their Network Administration program since late 2010 pursuing an Associate Degree in that program. My very pursuit of that degree is gravely threatened by actions taken against me by the school in form of service denials which may result in my having to withdraw from classes by early next week and possibly from school.

At the end of every term the school conducts a survey of their academic staff that has generally been voluntary. They have never before mandated that students take these surveys. Now they have. Today, February 1, 2012 they have blocked access to their academic website they call "Blackboard" which gives students access to current class grades, student email and currently enrolled classes and class materials. This actual term just ended on Monday January 30, 2012 and I went on today to look up the grade for an assignment I completed and turned in on Monday only to find out I was denied access to my grade for that assignment. The denial of access took the form of a mandated survey of their faculty and staff that could not in any way be bypassed, canceled, or circumvented in any way, shape, or form, and as a student in the field of computers and information technology I could not even go into my browsing history to find a suitable bypass or workaround to get past their survey and access my course to get my assignment grade.

I could not access any other academic related materials that are a normal process of accessing the Blackboard website. I need to point out in fairness- Blackboard only controls the academic portion, it does not control access to online class registration or financial aid. But I can't do anything related to academics involving current classes unless I get into their Blackboard site.

Out of frustration I made an attempt to do the survey around 11am or so. I spent about 20 minutes on it and answered all the questions. I clicked submit and the website then took me to a login prompt where I entered my student credentials. (What else would I enter? I had no idea). The login rejected my first and second attempts. With further frustration over my, as far as I was concerned, "stolen" time, I decided to skip the survey and try to get into Blackboard again. The same prompt to do the survey came up again with no option to opt out. Frustrated even further I clicked on it to find that it was devoid of all answers as if I had not answered it at all, so apparently there was some (b)(6); (b)(7) flaw that

did not allow me to submit the survey I did not want to waste time on in the first place. I called the school tech support. Got runaround. They told me I "had to do the survey" and "it was not optional" - I don't have the names but I was transferred to about 4 or 5 different departments all telling me that the school had mandated this survey and that access to Blackboard WILL BE DENIED, meaning that I will not have access to my grades, my classes, or academic materials UNLESS I complete my survey for them which I do not want to do. I felt bullied. The more people I talked to the more frustrated I became and the more bullied I felt. The school is taking my federal student aid, and I am paying for an education and I cannot have access to the student online materials.

After transfers to seven different offices, and twice back and forth to the school tech support desk, I finally got to the office of the school president, Dr. (b)(6), (b) and spoke to his assistant, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) By this time I was so upset I barely think straight. Over an hour had gone by and I gotten nowhere.

An email back from her that I have included a copy of only reflects part of what we talked about and only shows her willingness to help me do the survey but no willingness whatsoever to allow me to once again regain access to Blackboard and, as far as I'm concerned, my right to refuse to do the survey. I was in fact told by one member of the tech support team, and I did not get her name but the call was between 11:30am-12:00pm on February 1, 2011 that the President's Office originally considered withholding student grades from anyone who refused to complete a survey for the school.

I have enclosed copies of all my emails that I have and copies of my screenshots showing the Blackboard and prompt to do the survey. I also have enclosed a copy of an email to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) that she has not responded to in any way, she has neither affirmed or tried to deny anything I have stated, nor has she shown any willingness to relent and allow me access to the Blackboard website without doing the survey.

And there a critical situation quickly arising-- I have new classes starting Monday, February 6, 2012 for which I will need full access to Blackboard as one of them is an online class. I am scared to death that I not have access in time to Blackboard to be able to participate in class. If this happens I will have to withdraw from my classes before February 10, 2012 to avoid problems with "no shows" where Financial Aid is concerned. So I have a serious problem on my hands.

And if the school can bar access to the academic website to force students to do these surveys and get away with it now, how far will they push this next time? Will they withhold grades? Will they suspend students? How far will they push this to get the compliance they want on a silly survey? I personally don't believe in surveys and I believe they are going about this all wrong and I wish to prosecute or do what is necessary to bring action against (b)(6), (b)(7) State for disallowing my access to academic resources while they are taking my Federal Student Aid money over a survey I do not want to do. I am hoping you can help me on this most serious matter.

Thank you for your time and attention.

Sincerely,

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

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

March 14, 2012

US Department of Education  
Family Policy Compliance Office  
400 Maryland Ave, SW  
Washington, DC 20202-8520

To Whom It May Concern:

This letter is a formal request to file a complaint against (b)(6); (b)(7)(C) University, (b)(6); (b)(7)(C) campus for failure to comply with FERPA regulations. The specific violation is regarding the universities failure to provide a hearing for a record that I feel to be inaccurate and a misrepresentation of my academic record.

The initial issue stemmed from the university not providing me the credits needed for graduation. Since transferring my associates degree to (b)(6); (b)(7)(C) University from (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) College in an attempt to obtain my bachelors degree, the university was unsure as to how they should award some of my credit. While the transfer credit for the courses for paramedicine appear to convert easily from (b)(6); (b)(7)(C) they had concerns with awarding the credit for a credential, my national certification. The university did ultimately concede to the fact that the credit can be converted, however they did so in the Spring of 2012. Since I was scheduled to graduate in the Fall of 2011 and all of the work for the fall of 2011 was completed prior to commencement, I stated that my academic record should accurately reflect the term for which work was completed. The university argues that the work was not completed and the decision to award credit didn't occur until Spring of 2012, therefore there is no FERPA issue and a hearing is unwarranted.

After this issue, the university claimed that I had several other course requirements that were incomplete. They allege that the MAT requirement & the General Education Block VII requirements were incomplete. While being reenrolled in the university for well over a year and being scheduled to graduate in the Fall of 2011, I did not hear about this until the Spring of 2012. The claim is that it is against university policy to transfer courses into the university from another institution after a student has failed these courses at the university. This statement is somewhat accurate. The university policy states that grades from courses completed at another institution will not replace grades for classes taken at the university. Therefore, the MAT requirement should adequately be fulfilled by the MAT course taken at (b)(6); (b)(7)(C) even if the gPa suffers. This is also the case for General Education Block VII requirement, since I have

completed course equivalencies that do transfer to (b)(6); (b)(7)(C) at another institution in Anatomy & Pathophysiology. Therefore, I feel that the record stating that my coursework is incomplete is inaccurate and misleading. I have brought this information up to the university on multiple occasions without any specific responses other than "the issue has been resolved." After repeated requests for an appeal without any success, I felt it would be appropriate to begin the next step in the process.

Along with this email, I have included a large portion of the email correspondences since I have begun this endeavor. I look forward with working with you and (b)(6); (b)(7)(C) University to developing an amicable solution to the issues at hand. Thank you very much for your time and I look forward to your response.

Sincerely,

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

Ms. Ellen Campbell  
Acting Director  
Family Policy Compliance Office  
United States Department of Education  
Office of Management  
400 Maryland Avenue S.W.  
Washington, D.C. 20202-45

Dear Ms. Campbell,

Thank you for your letter dated on May 17, 2011 regarding our complaint sent to your office on March 14, 2011 against the Cobb County School District where our son (b)(6); (b)(7)(C) attends (b)(6); (b)(7)(C) School and for which we allege that the District violated FERPA.

The District will not provide us with the opportunity to inspect and review our son's entire educational records: We have never refused any opportunity made available.

You are true in stating that a FERPA request was made to review our son's file on January 27, 2010. We requested to see the documents by March 15, 2010—45 calendar days after the official FERPA request had been made. According to FERPA the CCSD is not to delay the documents beyond the 45 days. The CCSD was also under federal investigation by the US DOE OCR as the CCSD was notified on same date as request was due (March 15, 2010) according to the US DOE OCR which sent notification on March 08, 2010 to the CCSD: On the same date that the CCSD received notice from the US DOE OCR of their investigation against the CCSD, the CCSD Principal Trudie (b)(6); (b)(7)(C) denied us the opportunity to see our son's file on the 45<sup>th</sup> calendar day after the date of the original request. The investigation by the US DOE OCR ended on March 19, 2010 and is under appeal to this date. Principal (b)(6); (b)(7)(C) would not allow us to see the documents placed under FERPA request until March 26, 2010—well beyond the 45 days under FERPA. On March 26, 2010, during discovery, documents were found which would have been beneficial to our complaint against the CCSD to send to the US DOE OCR. However, because Mrs. (b)(6); (b)(7)(C) held our request for review beyond the time limitations under federal law, an appeal had to be made to the US DOE OCR: Mrs. (b)(6); (b)(7)(C) knew she was under federal investigation and withheld the documents which were to be made available under FERPA. Mrs. (b)(6); (b)(7)(C) makes a false allegation that we did not agree to a date for an appointment to see the documents. Rather, we continued to make requests to see the documents five (05) times prior to March 15, 2010 in hopes of being able to see the documents on such date, during federal investigation, but we were denied by Mrs. (b)(6); (b)(7)(C) who states, "We'll will have to agree to disagree" when asked to view the documents. Further, if Mrs. (b)(6); (b)(7)(C) first claims (b)(6); (b)(7)(C) records were ready prior to March 15, 2010, why would she be so adamant about holding out on letting us see the documents until after March 26, 2010? Obviously, Mrs. (b)(6); (b)(7)(C) did not want us to have access to the documents during federal investigation once she learned she was under investigation on same date the records were to have been made available to us under FERPA.

You suggest that we request again to see our son's records. We have done as you have requested. We made request to see our son's records again on November 19, 2010 via certified U.S. mail and were to see the documents within the 45 days as of January 3, 2011. We arranged with the school counselor to see our son's records on January 19, 2011 after a 504 meeting with our son's teachers same date to make it convenient for the school personnel. On January 19, 2011, when we went to see the records, we were manhandled and denied seeing our son's complete records. Records were missing from our son's file again during federal investigation, this time under appeal in Washington D.C. Because it is illegal to



harass during investigation and we and our son had been harassed prior to this meeting by Mrs. (b)(6); (b)(7)(C) and Assistant Principal (b)(6); (b)(7)(C) Porter, we notified police to file an official complaint. Campus police informed us at such time that Mrs. (b)(6); (b)(7)(C) and Assistant Principal (b)(6); (b)(7)(C) Porter had collectively made earlier false accusation against our son and knowing of such false allegation, served him with OSS (Out of School Suspension) via letter sent U.S. Post. Mrs. (b)(6); (b)(7)(C) became inflamed that this discovery against her was made at this meeting, denied us the opportunity to see our son's file, and we were told to immediately leave the campus. Mrs. (b)(6); (b)(7)(C) became physically aggressive with Mrs. (b)(6); (b)(7)(C) trying to snatch her personal documents from Mrs. (b)(6); (b)(7)(C) hand and Ms. (b)(6); (b)(7)(C) had done the same with Mr. (b)(6); (b)(7)(C) snatching the school record from his hands as well. We were told at this meeting that we could not come to campus, and if we did we would be arrested for trespass without just cause. So we are prohibited from going to the campus to view the documents despite our proximity to campus. A CDR tape recording of this meeting was made for the validity incidents stated, and can be made available upon request.

Continued requests have been made to see our son's file. However, in all due respect, trying to obtain our son's documents has been a misuse of records resembling more of a game of the CCSD playing "keep-away": All parties notified know we want our son's entire record yet it is withheld: Mrs. (b)(6); (b)(7)(C) sends us a USB drive certified U.S. mail on February 18, 2011, claiming that the drive has documents, yet it was made inoperable due to being damaged (i.e. Sent without protective cap and without protective packaging, the drive was bent and cannot be accessed). Mrs. (b)(6); (b)(7)(C) does go for record in her correspondence that she had knowledge of (b)(6); (b)(7)(C) school counselor, pulling items from (b)(6); (b)(7)(C) complete file prior to the meeting on January 19, 2011. Yet on January 19, 2011, she makes false claim to the police that she is presenting the complete document, which is incomplete. In same letter Ms. (b)(6); (b)(7)(C) also states request for documents was made on January 8, 2011 when her office signed for our request via U.S. Certified Mail on November 29, 2010 by Ms. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) states records are to contain report cards, and then recants her comment when we point out they are missing from our son's file. She says transcripts are not part of records, says they are not available, and then produces one. Assistant Principal (b)(6); (b)(7)(C) Porter says she does not know what makes up a permanent record, but claims the counselor, who is under her direction, is to manage student records. Area Superintendent Cheryl Hungerford, notified of such events, sent a CDR of incomplete records both by way of U.S. Post on April 19, 2011, and then she sends it again by way of staff to our son's 504 review meeting on May 5, 2011; same file, still incomplete. Requests were made to the CCSD Communication Director (b)(6); (b)(7)(C) after counselor (b)(6); (b)(7)(C) directs us to on January 19, 2011 and he, ignores the request. Board Representative (b)(6); (b)(7)(C) and School Board (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also notified U.S. certified mail, both route requests back to Area Superintendent Cheryl Hungerford. Around we go...and (b)(6); (b)(7)(C) as well as Mr. and Mrs. (b)(6); (b)(7)(C) are "man-in-the-middle" just as school yard bullies play keep away: The District, knowing the relevance and importance of such records and requests, uses the documents in a manner unbecoming to federal law as to withhold them, destroy them, falsify them, and knowing we want to review them, but do not have direct access to them, manhandles us by keeping us from seeing them.

Again, Mrs. (b)(6); (b)(7)(C) and CCSD, under federal investigation, have successfully blocked our availability to see our son's records no matter how many attempts, or to whomever directed with responsibility to perform, or to what type of "official" requests deemed. However, the common denominator remains congruent of disrespect to federal laws: We have been trying to view (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) complete and entire file with official FERPA request now since original request made over a year ago, and the CCSD still will not and does not comply. We understand that we are not the only families in Cobb County with such difficulty as well-respected educational attorney, (b)(6); (b)(7)(C), has informed us and noted the same for her clients.

A letter has been issued to your office which gives more depth to the events on January 19, 2011 which was sent U.S. mail on May 16, 2011 and received by your office on May 20, 2011 according to certified return receipt U.S. mail. In our most recent complaint to the US DOE OCR, according to the US DOE OCR it becomes the domain of the US DOE FPCO when such events happen within the context of the issue at hand: We want to review our son's records and the CCSD, whether collectively or individually, does all within its power to make sure we are not getting the entire record with disrespect to attempts for the documents made with integrity.

To be in compliance with the FPCO as per your letter on March 17, 2011, we have enclosed our official FERPA request made on November 19, 2010. Please inform us if you want requests made beyond that date to the parties mentioned herein, and we would be glad to comply.

In continuation, you are correct in our assertion that (b)(6); (b)(7)(C); (b)(6); private paid tutor to (b)(6); (b)(6); (b)(6); (b)(6); since 2008 and educational consultant to us since 2001, created records and maintained records independent of the District, and because Mrs. (b)(6); was not an employee on staff at (b)(6); (b)(6); (b)(6); School, where (b)(6); (b)(6); (b)(6); (b)(6); is enrolled, she was never a provider of services for (b)(6); (b)(6); (b)(6); and thus, Ms. (b)(6); (b)(6); was prohibited from disclosing information about (b)(6); (b)(6); (b)(6); (b)(6); maintained by the District to her, and Ms. (b)(6); (b)(6); further had no business under such constructs seeking confidential information about (b)(6); (b)(6); (b)(6); (b)(6); in her attempt to obtain records from Ms. (b)(6);. You state that at the time of Ms. (b)(6); (b)(6); e-mail on March 19, 2010, Mrs. (b)(6); was not an employee with the District. This is incorrect as Mrs. (b)(6); worked for the District at (b)(6); (b)(6); School at such time. While the District could request records for (b)(6); (b)(6); (b)(6); (b)(6); if Ms. (b)(6); was servicing him as a student, the CCSD cannot request records for (b)(6); (b)(6); (b)(6); (b)(6); if she was private paid tutor without our consent.

Further, one may question why Ms. (b)(6); (b)(6); (b)(6); is requesting items beyond (b)(6); (b)(6); (b)(6); (b)(7)(C); educational file: She states on March 19, 2010, "*By the way, we are looking for things that might not otherwise be in his educational records (his actual files)...we have those files under control. When in doubt, include the document and we will look and see if it is a duplicate.*" One may wonder what the agenda of Ms. (b)(6); (b)(6); (b)(6); for seeking records beyond that of educational records and it is interesting that such request comes four days beyond the 45<sup>th</sup> day records are to be ready for the FERPA request made in January 2010. We are curious to learn what was mentioned prior to this statement as the e-mail, making reference to "*his actual files,*" suggests reference to earlier dialogue and has been redacted by the CCSD and as result, the Assistant Attorney General for Georgia, (b)(6); (b)(7)(C);, has made request for such document under open records request under state law on behalf of (b)(6); (b)(6); (b)(6); (b)(6); for which we will provide upon its rendering.

Further, letter of legal pro se was sent to Superintendent Sanderson at the beginning of such academic year U.S. certified mail to cease retaliation and harassment as well as (b)(6); (b)(7)(C); issued on February 14, 2010 stating the same also sent certified U.S. mail.

On same note, it is interesting to mention that in her letter to us regarding such request for Ms. (b)(6); (b)(6); document, Area Superintendent Cheryl Hungerford denies Ms. S. (b)(6); (b)(6); is the attorney for the District, yet all the while carbon copies her in her same letter sent same date to us: It may be best to reference Ms. (b)(6); (b)(6); as Ms. (b)(6); (b)(6); (b)(6); (b)(7)(C); so that the CCSD does not have oversight to whom you may refer as they have suspiciously done to us even within context of their same letter. Further, please note for record that Superintendent Sanderson is no longer the Superintendent for the Cobb County School District as he took early retirement when the District and its Board came under scrutiny of the Southern Accreditation of Colleges and Schools (SACS) this past spring after citizens' complaints. The new Superintendent for CCSD will be Dr. (b)(6); (b)(6); as of June 1, 2011.

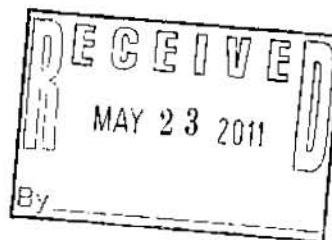




**CONFIDENTIAL AND PRIVILEGED**  
**SENT U.S. CERTIFIED RETURN RECEIPT MAIL**

May 14, 2011

Ms. Ellen Campbell  
 Acting Director  
 United States Department of Education  
 Family Policy Compliance Office  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202-5901



Reference No.: 1442

Dear Ms. Campbell,

On November 19, 2010 we made a FERPA request to view our son, (b)(6); (b)(7)(C) complete educational file. We were to view his file on January 19, 2011. We were denied the opportunity to see our son's file by his Principal (b)(6); (b)(7) Principal at (b)(6); (b)(7)(C) School (b)(6); (b)(7) in Cobb County School District, Marietta, Georgia under the direction of Superintendent Fred Sanderson. After being manhandled during this FERPA request meeting to view our son's records all the while during a federal investigation with US DOE OCR under appeal in Washington D.C., we notified campus police to file complaint of harassment. When campus police arrived, he informed us that Mrs. (b)(6); (b)(7) had falsely accused our son of an incident which he did not do, and knowing of his innocence she served him with out of school suspension. As this surfaced during the meeting, Mrs. (b)(6); (b)(7) refused to allow us to view our son's records and has denied us our right to see our son's records since such date. Further requests have been made to the Area Superintendent Cheryl Hungerford and Superintendent Sanderson, and such records have been redacted and withheld. A CDR of our tape recording of the meeting on January 19, 2011 permissible under Georgia law can be provided and supports the following allegations. Such CDR has been provided to the US DOE OCR under different investigation for allegations of harassment during federal investigation:

The FERPA request, as protected under the United States Department of Education, was made by us, the (b)(6); (b)(7)(C) on November 19, 2010 and was sent U.S. certified Return Receipt mail to (b)(6); (b)(7) Principal (b)(6); (b)(7) It was received by (b)(6); (b)(7) on November 29, 2010. The request was for "permanent, academic AND behavioral files" as these files are kept by the school district to create the entire file for each student: A complete file contains academic and behavioral records and if such student has a disability those records are made part of the file by state and federal laws. In her letter to the (b)(6); (b)(7)(C) on October 04, 2006, (b)(6); (b)(7)(C), CCSD Area Superintendent, stated for record, that both discipline records, and academic records make up a student's file in her letter responding to how our son's files from 1999-2005 were destroyed by the CCSD under lock and key of the CCSD. (The records had been destroyed for a whole year before we learned of their destruction and such discovery was found by the (b)(6); (b)(7) (b)(6); (b)(7)

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CONFIDENTIAL AND PRIVILEGED

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Ms. (b)(6) escalating and becoming defensive when addressed by the (b)(6); (b)(7) inquiry as to why she had omitted (b)(6); (b)(7) (b)(6); (b)(7)(C) 504 Accommodations and (b)(6) grade academic history from his file, stood up beside Mr. (b)(6); (b)(7) as he was seated, and lunged over and grabbed the file from Mr. (b)(6); (b)(7) hand stating simultaneously while grabbing for the file which Mr. (b)(6); (b)(7) was holding, "Gim-me that!" with no prior verbal request for the file. Mr. (b)(6); (b)(7) alarmed by her outward aggression, stated he was not through looking at the file. Ms. (b)(6); (b)(7) then commented in a sarcastic and unprofessional demeanor, "Oh, I thought you were finished with that!" as noted on tape recording and with witness present. **We felt intimidated by Mrs. (b)(6); (b)(7) verbal and physical aggressions when manhandled us and attempted to forcefully grab the file that Mr. (b)(6); (b)(7) was holding and still reviewing.**

Previous to this meeting on November 02, 2010, Peggy (b)(6); (b)(7) altered documents to be sent to the ACT for accommodations as well as to (b)(6); (b)(7) (b)(6) University on behalf of (b)(6); (b)(7) by respectively leaving diagnoses off the ACT form and, likewise, for that of (b)(6); (b)(7) (b)(6) University (b)(6); (b)(7) admissions by leaving a health class taken off the (b)(6); (b)(7) (b)(6) University application as well as failing to note classes remaining and needed for graduation all the while holding (b)(6); (b)(7) transcript in her left hand listing such information. (b)(6); (b)(7) (b)(6); (b)(7)(C) transcript also reflected a zero for Math II EOCT examination when no examination for the (b)(6) was even scored, as noted in complaint US DOE OCR #04-09-1588, or given for record, and official transcripts, while ordered with pre-payment, have been received on numerous occasions without seal and made unofficial with incomplete and/or improper official preparation of the official transcript when received via U.S. postal service after taking funding for such transcripts. Mrs. (b)(6); (b)(7) alerted Principal (b)(6); (b)(7) (b)(6); (b)(7) of such actions with request for it to stop and no response was given.

At the meeting on January 19, 2011, Assistant Principal Dr. (b)(6); (b)(7) further recognized that the counselor is to maintain the student file and in response to the incomplete file, as she stated for record and failing to define for us if she knew what was to be in an entire student file, Dr. (b)(6); (b)(7) commented evasively: "The counselor is over that to know that." "You would have to ask the counselor." "Records are done by the counseling office." "In all due respects, we have departments at this school and departments are responsible for certain things. The counseling office creates the permanent file." And "You'll have to ask the counselor" while motioning to Mrs. (b)(6); (b)(7). This was stated with counselor Peggy (b)(6); (b)(7) present who is assigned as (b)(6); (b)(7) (b)(6); (b)(7)(C) counselor who knew (b)(6); (b)(7) (b)(6); (b)(7) is learning disabled. (CDR)

Repeatedly, (b)(6); (b)(7) (b)(6); (b)(7) stated for record on January 19, 2011 that the file was complete. However, numerous items were missing in (b)(6); (b)(7) (b)(6); (b)(7)(C) file. (b)(6); (b)(7) (b)(6); (b)(7) stated during the meeting on January 19, 2011, "All we have is there." "That's all we have. I haven't taken anything out...I haven't done that. Nobody has."

During the meeting on January 19, 2011, while standing across from Mrs. (b)(6); (b)(7) who was sitting at the conference table, (b)(6); (b)(7) (b)(6); (b)(7) escalated and became physically aggressive and lunged over to grab personal notes from Mrs. (b)(6); (b)(7) hand. Mrs. (b)(6); (b)(7) made it known to her by stating, "This is my copy. I brought it today." In response (b)(6); (b)(7) (b)(6); (b)(7) stated, "I was just asking." In this regard, Mrs. (b)(6); (b)(7) was being physically aggressive and snatching



personal documents from Mrs. (b)(6); (b)(7) as noted on tape recording permissible under Georgia law and with witness. **We felt intimidated by Mrs. (b)(6); (b)(7)(C) physical act of aggression to snatch records from Mrs. (b)(6); (b)(7) that Mrs. (b)(6); (b)(7) did not own.**

Being collectively harassed and manhandled by Counselor (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) Dr. (b)(6); (b)(7)(C) and Principal (b)(6); (b)(6); (b)(7) all under a federal investigation and who knew of (b)(6); (b)(7)(C) disability, (b)(6); (b)(7)(C) (b)(6); (b)(7) called 911 for campus police assistance as it is a violation of federal law to intimidate and harass the parents and student during a federal investigation and such harassment is also a violation of (b)(6) law.

When campus police arrived (b)(6); (b)(6); (b)(7) stated to Campus Police Officer (b)(6); (b)(7) “We have given them everything they’ve asked for.” “I have given you every possible piece of information.” Yet, later, on February 18, 2010 in her correspondence to Mr. and Mrs. (b)(6); (b)(7) she states, “The counselor pulled the contents of your son’s cumulative records to be reviewed after his 504 meeting.” During the meeting (b)(6); (b)(6); (b)(7) lied to the police officer telling him she had given us “every possible piece of information” when she gives admission to having knowledge that “the counselor pulled content” from (b)(6); (b)(7)(C) file prior to the meeting. All the making this false claim to Officer (b)(6); (b)(6); (b)(7) Officer (b)(6); (b)(6); (b)(7) later informed us in the meeting that Mrs. (b)(6); (b)(7) had falsely accused (b)(6); (b)(6); (b)(7) of something he did not do and knowing of his innocence served him with out of school suspension. With this being made known at the meeting, (b)(6); (b)(6); (b)(7) further escalated and denied Mr. and Mrs. (b)(6); (b)(7) the right to view (b)(6); (b)(6); (b)(7) file and threatened trespassing warning if we did not immediately leave the campus. After the meeting Mrs. (b)(6); (b)(7) further made false report to the campus police with libel and slander against the (b)(6); (b)(7)(C) good name.

On February 18, 2011, Mrs. (b)(6); (b)(7) issued a letter sent to the (b)(6); (b)(7)(C) U.S. Certified mail stating that our FERPA request was made on January 08, 2011. This is not true as the initial request was sent to her directly on November 19, 2010 and received according to U.S. certified returned receipt Post on November 29, 2010. Given that under federal law FERPA requests have to be produced within 45 days, (b)(6); (b)(6); (b)(7) complete records should have been made available to us by January 03, 2011: The complete documents were to be ready on this day and the complete file was not produced by this date nor on January 19, 2011.

On February 18, 2011 in her letter to Mr. and Mrs. (b)(6); (b)(7) Mrs. (b)(6); (b)(6); (b)(7) also sent a flash drive and claimed such flash drive to contain (b)(6); (b)(6); (b)(7) records. However, content in such flash drive was unable to be seen for private viewing as concern for viral infection existed and the flash drive, sent without protective jacket and without protective packaging, was destroyed (i.e. bent) making it inoperable.

In her letter February 18, 2011, (b)(6); (b)(6); (b)(7) further acknowledges that we did indeed make requests for the “complete file.” (b)(6); (b)(6); (b)(7) acknowledges the request of Mrs. and Mr. (b)(6); (b)(7) stating: “You sent an e-mail to a school counselor to see your son’s **complete file** on Wednesday, January 19.” Further, Mrs. (b)(6); (b)(7) states that in preparation for the meeting on January 19, 2011, “**the counselor pulled the contents of your son’s cumulative folder to be reviewed after his 504 meeting.**” The request was made for the “**complete file**” as Mrs. (b)(6); (b)(7) acknowledges. However, by her own admission, she admits to the counselor pulling

the contents from (b)(6); (b)(7)(C) cumulative folder. On January 19, 2011, upon viewing the file, the file was missing, and not limited to missing, behavioral/discipline reports, 504 documents, signed Section 9528, all evidence of grades from 6<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grades, College Board accommodations letter, and previous documents made part of the permanent file by the FERPA request on January 27, 2010 and which was delayed beyond the 45 days.

This is the second time (b)(6); (b)(7)(C) has denied FERPA request during a federal investigation with the US DOE as (b)(6); (b)(7)(C) further failed to produce FERPA requests on March 15, 2010 within the allotted 45 days under federal law and thereby interfered with federal investigation with the United States Department of Education: Mrs. (b)(6); (b)(7)(C) obstructed justice by delaying FERPA request for which documents were needed for the investigation, but intentionally held such documents beyond the 45th allotted day until March 26, 2010. Mrs. (b)(6); (b)(7)(C) had knowledge of the federal investigation, through notice, as did her staff, knew (b)(6); (b)(7)(C) was learning disabled and purposely withheld information during the investigation in both FERPA requests and open records requests: When inquiring for the documents to be produced within the 45 days, Mrs. (b)(6); (b)(7)(C) arrogant response with disrespect to federal law applicable to FERPA in e-mail was *"I guess we will have to agree to disagree."*

A complaint was made on March 5, 2011 to School Board (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and to School Board member (b)(6); (b)(7)(C) who forwarded our complaint to Area Superintendent Cheryl Hungerford which was sent U.S. certified return receipt mail. Area Superintendent Cheryl Hungerford stated in her letter April 1, 2011 that she would not release (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) file claiming USB drive that Mrs. (b)(6); (b)(7)(C) sent in February 2011 was in working condition when issued to us; albeit never seeing the USB drive upon receipt and after being told it was not in working condition and concern for viral infection existed, she still denied us to see our son's file.

On April 18, 2011 Cheryl Hungerford sent us a CDR with some of our son's records received April 19, 2011, yet the CDR was still incomplete of our son's records made under previous FERPA requests and void of the documents that both (b)(6); (b)(7)(C) and Cheryl Hungerford claimed to be on the thumb drive as per Cheryl Hungerford's admission that she would not resend documents on the thumb drive previously sent by (b)(6); (b)(7)(C) even with knowledge that the thumb drive was inoperable.

Again, we restated our request on May 3, 2011 in an e-mail to Cheryl Hungerford's office to (b)(6); (b)(7)(C) with explanation again that such thumb drive was inoperable, and that the CDR did not contain the complete documents of our son's educational records per our original FERPA request on November 19, 2010. Therefore, a request was made again to see our son's complete educational file while at our son's 504 Review meeting on May 5, 2011 and for hard copies to be given as per FERPA.

On May 5, 2011 at such meeting, we were presented with a CDR of records by District representative (b)(6); (b)(7)(C) by way of Cheryl Hungerford, and we were told by her that such documents represented (b)(6); (b)(7)(C) records as noted in the 504 meeting notes. However upon review of the CDR, the CDR was incomplete of our original FERPA request on November 19, 2010 and it was further noted to be passed off as none other than the same CDR as provided

with April 19, 2011 correspondence which was incomplete and void of our son's educational records. Cheryl Hungerford has knowledge that the thumb drive is inoperable yet she will not provide our son's records.

**The District persists with making a collaborative and concerted effort to deny us the right to see our son's records, and likewise will not provide copies of his records and is thus in violation of FERPA.**

Most recently these issues have been brought to the attention of the US DOE OCR on February 1, 2011 as we have an open investigation under appeal with the US DOE OCR. The US DOE OCR/Atlanta office states that the following issues fall under the purview of the US DOE OCR/FPCO as noted in their attached letter to us which we have enclosed in this letter for which we make this complaint now to the US DOE FPCO:

1. The District trying to obtain confidential information about (b)(6); (b)(7)(C) from his private paid tutor
2. The District not having a complete educational file for (b)(6); (b)(7)(C) after requesting to see the file on November 19, 2010 with FERPA request
3. The District employee tampering with the file
4. The District not sending completed transcripts as requested
5. The District destroying (b)(6); (b)(7)(C) file from 1999-2005
6. Incorrect transcript for (b)(6); (b)(7)(C)
7. (b)(6); (b)(7)(C) counselor, (b)(6); (b)(7)(C) altering his student documents

We have also enclosed charts which identify documents that have been redacted and withheld from our FERPA request which was due on March 15, 2010 and withheld during federal investigation with US DOE OCR/Atlanta by (b)(6); (b)(7)(C)

Most recently on March 08, 2011 the US DOE FPCO has inquired with the CCSD as to why the legal counsel for the CCSD redacted documents from requests made in 2009. Despite this notice to the CCSD, the CCSD continues to redact documents that are not attorney/client privilege. The second chart enclosed references the numerous attempts to obtain our son's records since January 28, 2010.

**As noted from this chart ,we have made over 36 (thirty-six) attempted requests to see our son's complete educational file for which the CCSD has failed to provide while under federal investigation with the US DOE.**

Your assistance in this matter would be greatly appreciated as we need to have our son's complete educational records and have made numerous requests all within the guidelines of federal law/FERPA for which the CCSD fails to comply.





FAMILY POLICY COMPLIANCE OFFICE  
U.S. Dept. of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202-8520



**RE: PHYSICAL & VERBAL ABUSE  
of my (b) year-old daughter,  
throughout 3 school yrs.in  
NYC, P.S.#197 & during bus  
rides from P.S. # 47Q.**

Dear Sir/Madam:

I am filing a complaint and request an investigation into the misconduct, neglect and lack of enforcement of staff and students within NYC District # 27, P.S. # 197, and also P.S. # 47Q(During bus transportation to & from school). My wife (b)(6) and I have been pleading with Principals, guidance counselors and staff to intervene and stop the "bullying" within this school. Our daughter (b)(6); (b) is (b) years-old, very sweet and only weighs 60 pounds. Most currently, our daughter was granted a "safety transfer" to P.S.#47Q, Broad Channel, which is a safer school, however the bus this school has provided has jeopardized our daughter's safety. On October 25, 2012, while (b)(6); (b) was riding to school, a (b) year-old retarded boy dragged (b)(6); (b) by her hair, punched her in the mouth, while the bus driver did nothing to stop this assault. This is one of many assaults that my wife and I reported (during attendance at P.S.#197). Our daughter has suffered a concussion, bloody/broken nose, bruises all over her legs, kicked, punched, pushed down stairs, etc. (b)(6); (b) has been to the hospital four times, has chronic headaches, etc. When my wife (b)(6) called P.S.#47Q to complain about this bus incident, she was told to:"Seek other means of transporting (b)(6); (b) to school" and still nobody is being held responsible for the assault. My wife primarily speaks Spanish, but I've spoken and written to these staff members, numerous times, even Certified/Registered mail. These are serious violations of (b)(6); (b)(7) Constitutional Rights and being deprived of a safe and supportive environment free from discrimination/assaults and bullying. My wife and I are extremely worried that one of these assaults will turn to be fatal. Why does our daughter have to continue to endure such abuse from classmates and staff? I've contacted NYS's Dept. of Education, only to be

pasified with empty promises that an investigator will contact me and is assigned to help us, only to be ignored with my pleas for some kind of intervention. My wife is an excellent mother and we love and care about (b)(6); (b) very deeply. I must wait one more year until release and I can work to provide (b)(6); (b) with a private school that we've planned to enroll her in. These assaults are mostly racially motivated and (b)(6); (b) has been singled out due to petite size and beauty. I can cite numerous violations of the NYC Chancellors Rules & Regulations as well as case law, Constitutional Rights violations, etc., but the lifelong damage that has already been done cannot be erased. I'm requesting that your office will aggressively intervene and provide all those positive learning experiences described in the Standards of Education Laws for our schools.

Please respond to me at your earliest convenience. You have mine and my wife's full cooperation. Please help us to provide our daughter with a safe educational environment. Please feel free to contact my wife, (b)(6); (b)(7)(C) at;

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

I am very grateful for your time, assistance and understanding, thank you.

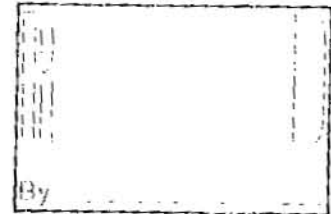
Very truly yours,

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

October 27, 2012

To: Family Policy Compliance  
Office U.S. Department of Education

Re: Unauthorized access of my Granddaughter  
(b)(6); (b)(7)(C) Student Records File



Dear Sir:

I am writing this letter to complain about (b) (b) (b)(6); (b)(7)(C) School in Harrisburg, Illinois. A member or members of the Office Staff, under Mr. (b)(6); the Principals direction, or Mr. (b)(6); himself, has illegally accessed my granddaughter (b)(6); (b)(7)(C) file after she had transferred to a school 400 miles away in (b)(6); (b)(7)(C), Illinois, just to retrieve my home address to send me the attached letter from the PTO. PTO is not of any significance nor does it have to do with any pertinent official school business. I will explain more as I write.

My granddaughter had attended (b)(6); (b) (b)(6); (b)(7)(C) her 1<sup>st</sup> and 2<sup>nd</sup> grade year. (b) (b) (b)(6); (b)(7)(C) houses classes Pre-K through 2<sup>nd</sup> grade. Once a student passes 2<sup>nd</sup> grade they have to attend (b) (b) School which houses 3<sup>rd</sup> grade through 5<sup>th</sup>

So this year had (b)(6); remained living in my household she would have attended (b) (b) Well I told everybody at the PTO meeting at (b) (b) School in May that (b)(6); planned to go home to live with her Mother. I took her home in June, 2012 as soon as School was out for summer vacation. But (b) (b) knew she wouldn't be attending (b)(6); (b) anymore at all, and they knew that on the last day of that (2011-2012) school year.

Then (b) (b) School called me in August or September of this year (2012) and questioned me about (b)(6); (b)(7)(C) registration and I explained to them that she went home to live with her Mommy. The lady said tell her we are sorry she won't be attending school with us, and tell her we wish her good luck in her new School, and I said I would. (b) (b) should/would have dropped her that day. (b)(6); (b) should have dropped her back in June once she passed 2<sup>nd</sup> grade and they sent her records to (b) (b)

Then in September or October I spoke with one of the Office Staff members at (b) (b) to leave a message for Mr. (b)(6); (b)(7)(C) and she mentioned a request for (b)(6); (b)(7)(C) records from her new school. So as you can see my granddaughter was not a student of (b) (b) or (b) (b) or any other Schools in Community School District #3, in Harrisburg, Illinois at all when I received this letter on October 19<sup>th</sup> 2012, and everyone involved in the school system mentioned in my letter to you were very aware of that fact.

Therefore, I believe they decided to take it upon themselves and access her student record file to access my address to send this childish letter. They violated her privacy rights and mine as well.

I read some School laws/rules online and they state that the Schools do have permission to access her student files to send to the State for funding, regarding honors and awards information, to forward her student records to a new school, and a 504/special education information. It does **not** state they can access her records anytime they want for any unofficial school business anytime they want. Which is exactly what they have done in this situation. It was for their own personal use....and that is totally illegal, and very unprofessional.

Back in May when we elected PTO Officers they nominated and elected me Correspondence Secretary. Then after the current PTO (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) got her hands on the Bylaws she started harping at everybody about us not following the bylaws. She said I have to have a student attending (b) (b) (b)(6); (b)(7)(C) or I could not be an Officer. We all as a Board and the Principal argued the point to no avail.

Sara the PTO President then started texting me and the texts were pretty indignant. I told her to stop texting me and stop talking to me. I told her I would not discuss anymore PTO business with her anywhere but at the school because it was all school business. I have not spoken with her in months because of that. Therefore, this letter type signed (b)(6); (b) PTO concerns me that even after they knew I didn't want anymore contact with Sara at all, they either gave her my address and allowed her to send this letter, or Mr (b)(6); sent it.

Nobody from that school has ever been to my home except Ms (b)(6); the school secretary and that was to bring (b)(6); home one day after she had gotten sick with a high fever and strep throat at school. Ms (b)(6); knew I had just had a minor surgery and the Doctor wouldn't allow me to drive for two weeks.

Then there is (b)(6); and (b)(6); (b)(7)(C) two other members of the PTO. They assured me they were never involved with any decision made by the PTO as the letter was signed, and they were never asked to participate in any decision making regarding my position on the PTO, and wouldn't because they felt the entire PTO mess was inappropriate. There aren't many people at that school that know my first name let alone my last name, or let alone my address. I am and have almost always been referred to as (b)(6); (b) Grandma, by students and staff. I am hardly ever called by my name.

I have been in contact with the School Superintendent (Dennis Smith) by e mail off and on since June or July regarding the PTO mess, and he always referred it back to the Principal. (Mr (b)(6); (b)(7)(C)) who has absolutely not handled it properly. The Superintendent arranged a School Board Meeting for me to discuss this, I guess, but I told him I would not be attending per legal advice from an Attorney friend of mine...and I did not go.

That meeting was scheduled to be held on October 18<sup>th</sup>, 2012. I never got anymore c mails from Mr. (b)(6); the school Superintendent, not did I get any more phone calls from Mr. (b)(6); the school Principal, and they both had been in touch with me about everything, with out ever mailing me any correspondence regarding anything. Until I got this attached letter, which is to say the least very inappropriate and unprofessional.

As you can see from the front of the envelope it came from the address of 411 W Lincoln Harrisburg, Illinois, 62946, and is addressed to me. That is the address of (b)(6); (b) (b)(6); (b) School. They had no right to access (b)(6); (b) records to retrieve my home address and that is my major concern here. If the PTO President sent the letter how did she get access to my address, and why was she allowed to send it to me from the school? If Mr (b)(6); sent it why did he think he had the right to access (b)(6); (b) records to get my address and send it as well. That is violation of privacy.

I figured the no contact from either one of them meant that they were planning to get rid of me as an Officer of the PTO which is of no concern to me, it's typical of the way they do business. But I was shocked when I received the attached letter on Saturday, October 21<sup>st</sup>, 2012 and it dated October 19<sup>th</sup>, 2012, the day after the School Board Meeting, and no real signatures on it. Just typed signature of (b)(6); (b) PTO as you can see.

My biggest concern is that my granddaughter left this School District in June.....if they didn't know for sure then, they definitely knew for sure once (b)(6); (b) called and confirmed that she would not be registering for the new school year. Now 4 months after my granddaughter left this District they have gone through her student records to get my address, and I was no longer even her legal guardian at that time.

Once (b)(6); left Harrisburg, and moved back in with her Mother, in Elgin, Illinois, I was no longer her official or legal guardian and all of my personal information was irrelevant because I only provided my information for (b)(6); (b) records as a student at (b)(6); (b)(6); (b)(6); (b) Any correspondence they have after her departure would need and should have been addressed to her Mother...not me. And they have no right whatsoever to contact her Mother.

I don't know what they were/are thinking but this entire situation has gotten way out of control. I don't know what makes them think they have the right to violate our rights the way they have? I need reassurance....they won't be allowed to continue to go phishing around in her records or files for anything. I want to know if they are releasing any other information that she and I are unaware of? Are they leaving the files laying around for anybody to see or access? Are they using our social security numbers or allowing others to view that information? I am very concerned...and would appreciate some answers. This is all a violation of our rights and she is only 8 years old.



I was told this District uses a paper file system, is that normal procedure? I am from Elgin, Illinois and I don't believe they use a paper system anymore. I believe the files there are all computerized, which makes access a little less tempting. If these staff members or school officials have access to a paper file...that seems a little alarming.

Is there a way for my daughter to request release of all of (b)(6); (b) permanent records files and information from this District, since there seems to be a breach of trust and privacy violation issues?

It is unfortunate that this entire PTO situation got so out of control that they felt compelled or desperate enough to do something as illegal as this? It shakes my faith in the District, but this is not the first time they have done something like this. One of the Harrisburg School Board Members had an affair with an underage student and they are still trying to sweep that under a rug.

I am really concerned about our privacy rights and would appreciate any input you may have regarding this situation. I know you can access the files/records and you will be able to tell by the dates on those files/records exactly when and on what dates (b)(6); left and enrolled in her new school and that this letter dated October 19, 2012 violates those/our rights.

If you have any questions, concerns or comments, please feel free to contact me by phone (b)(6); (b)(7)(C)

Thanking you in advance for all of your assistance regarding this matter.

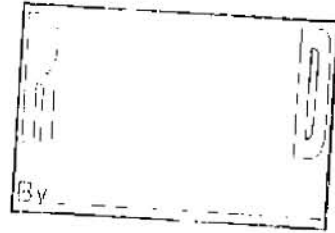
Sincerely

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

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



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



**November 12 2012**  
**Family Policy Compliance Office**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-8520**

**Dear Sir/Madam,**

**I am an instructor at a community college. After an Exam, I generally send out separate emails to students who fail containing a remediation form. Once only, I accidentally sent the email to every student who failed as a group, thus allowing the other failing students to know which fellow students also failed the test. My supervisor wrote this up as poor decision-making on my part, though it was an email error, not a mistake in my professional judgment. No students filed a grievance. I immediately wrote letters of apology to each student involved. I need to know if what I accidentally did was indeed a violation of the FERPA rules.**

**Thank You,**

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

December 4, 2012

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



To Whom It May Concern:

My name is (b)(6); L. (b)(6); I was a former Assistant Principal for (b)(6); (b)(7) City Public Schools. I am writing this letter to the Family Policy Compliance Office to launch an investigation of Officer (b)(6); (b)(7); (b)(6); (b)(7); (b)(6); (b)(7); (b) School Resource Office and Police Officer for (b)(6); (b)(7) City and (b)(6); (b)(6); Discipline Secretary for (b)(6); (b)(7) City Public Schools for violating the code of Virginia section 22.1-287 Limitations on access to records and the Family Education Rights and Privacy Act and against (b)(6); (b)(7) City Public Schools for knowingly allowing Officer (b)(6); (b) and Mrs. (b)(6); to violate these policies. I was terminated from (b)(6); (b)(7) City Public Schools as a result of Officer (b)(6); (b) pulling a students file based on the assumption that the student's father was a police officer and Mrs. (b)(6); copying student files without permission and giving them to Officer (b)(6); (b) who in turn took the files to the chief of police.

On September 13, 2012, a Fact-Finding Panel was held in reference to my recommendation for termination from the Superintendent, Dr. John Fahey. During the hearing based on the sworn testimony of Officer (b)(6); (b)(7); (b)(6); (b) it was revealed that he looked up a student's information and discipline history on May 8, 2012 based on the fact that a teacher said the student smoked marijuana and her father was a police officer. He then stated that he went to his office and looked at eschool, which is (b)(6); (b)(7) City School's student information database to see who her father was; while looking up her information he stated that he pulled up her discipline file. He stated that he saw two incidents with marijuana so he went to the discipline secretary, (b)(6); (b)(6); and asked to see a copy of the forms. He then asked Mrs. (b)(6); for a copy of the files. Mrs. (b)(6); copied the files of two students without permission from administration and gave them to Officer (b)(6); (b) who then took the forms out of the building without permission from administration. Officer (b)(6); (b) then stated that he contacted his Captain, who told him to talk to the building Principal, Dr. (b) (b)(6);. He stated that he told his Captain that he wasn't going to talk to the principal because he knew that Dr. (b)(6); was resigning from the school system and nothing would be done, so he went to the deputy chief and the Deputy Chief took the copies to the City Manager.

At the time that Officer (b)(6); (b) looked at the students files and obtained copies of the student's paperwork he was not investigating a case with the students. The students had been suspended for 10 days and sent to the discipline committee who sent them to an alternative education setting for the remainder of the nine weeks. The incident that he looked up occurred on February 6,

2012 and the teacher told him about the student and her father being a Police Officer on May 8, 2012.

The actions taken by Officer (b)(6); (b) were based on him having a personal vendetta against me. I am including a copy of Officer (b)(6); (b)(7) sworn testimony from my Fact-Finding hearing. I have included my contact information if you need to contact me or require further information.

My contact information is (b)(6); (b)(6); (b)(6); (b)(7(C)) phone number (b)(6); (b)(7(C)). The address and phone to (b)(6); (b)(7) (b) School where Officer (b)(6); (b) and (b)(6); (b)(6); work is (b)(6); (b)(7(C)) (b)(6); (b)(7) (b)(6); (b)(7(C)) phone number (b)(6); (b)(7(C)). The address and number to the School Board Office is 103 North 12<sup>th</sup> Avenue Hopewell, Virginia 23860, phone number (b)(6); (b)(7(C)).

Thank you in advance for investigating this matter.

Sincerely

1

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



(b)(6) (b)(7)(C) College has intentionally and maliciously deprived me of my constitutional rights under Ferpa. The Vice President of student services Dr. (b)(6) (b)(6) failed to comply with Ferpa regulations. On March 14, 2011 I requested my entire educational records, and specifically requested all disciplinary records and made this request directly to Dr. (b)(6) the Vice President of the college. Furthermore, the registrar's office told me that they do not keep records of disciplinary only the Vice President has access to these records. I requested these records on March 14<sup>th</sup> 2011 and as of today May 3<sup>rd</sup> 2011 Dr. (b)(6) has not made these records available to me and 45 days has expired.

Consequently, Dr. (b)(6) was not cooperating with providing these records and he was giving me a hard time. I signed a consent form that allows my sister (b)(6) (b)(6) to have access to my educational records. I also filed out Ferpa release form as well. When my sister spoke with Dr. (b)(6) he displayed a cavalier attitude but he finally agreed that he is withholding records that I requested. When my sister asked him why is he withholding these records Dr. (b)(6) said these records are not formal but informal and legally he doesn't have to include them in the educational records. My sister asked Dr. (b)(6) that if he (b)(6); (b)(7)(C) college penalized my brother for misconduct then how can these records be informal?

Dr. (b)(6) informed my sister that the schools attorney will be handling the request for records. The schools attorney is saying the school will let her only view the educational records but we feel that they will not include the disciplinary records that we have requested.

However since my sister lives in West Palm Beach Florida and the college is in Sedalia, Mo clearly that is about 800 miles distant driving, As the attorney knows there is a clause in the Ferpa that indicates that if the person requesting the records is a long distance away that the school must make copies of these records again as my sister is 800 miles away. My sister is willing to pay for any copies, or shipping charges. The college is going in a great distance to withhold these records.

Ironically the school punished me for ~~student~~ misconduct without due process and without any documentation of any violations that they alleged me of doing. This is specifically why we requested these records because the college never provided me with any documentation of wrong doing they just punished me for misconduct. Ferpa indicates that if a student was penalized the college must release those disciplinary records with what the student was charged with. Since I was already charged with misconduct and punished for it then it is no longer pending. So therefore if it is not pending and there is no investigation taking place then the college must release these records.

My second complaint is regarding a violation of Ferpa for the Access office specifically the disability coordinator for providing the Medical program director with my file which I am a student under Section 504. The college allowed the program director (b)(6); (b)(7)(C) Pfremmer to read my documentation for disability which I never agreed to or gave any type of consent. Furthermore Dr. (b)(6) had access to these records because he himself put a copy of these records in a folder and sent them to me FedEx. I never gave Dr. (b)(6) access to these files, since he is only in charge of the disciplinary records then how does he have access to my section 504 files? ABA

My request for the Family Educational Rights and Privacy Act Compliance officer is to sanction this public community college which receives federal funding: for violating my rights and for not making these educational records available to me within 45 days. Furthermore, they passed my section 504 medical records without my consent and allowed the program director to read this.

You may reach me at (b)(6); (b)(7)(C)

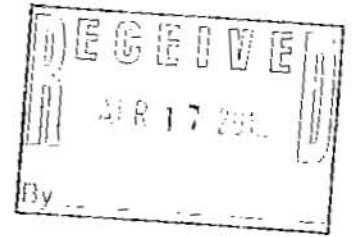
Or at (b)(6); (b)(7)(C)

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

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

April 2, 2012

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) **School-Ohio**

**BACKGROUND**

This complaint arises out of a case for attorney's fees brought by (b)(6); (b)(7)(C) School (OCS) against the parent of a child with a disability. The request for fees involves an impartial due process hearing brought by the parent pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. §§ 1400 et seq. During the course of this case, counsel for OCS, S. (b)(6); (b)(7)(C) has repeatedly stated her intentions to disclose confidential educational records of the minor child (b)(6); (b)(7)(C) involved in this case. Complainant, the parent of (b)(6); (b)(7)(C) asks the Family Policy Compliance Office (FPCO) to: 1) Investigate the allegations in this complaint; 2) Determine that the actions of (b)(6); (b)(7)(C) and OCS are in violation of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Improvement Act (IDEA); 3) Require (b)(6); (b)(7)(C) and OCS to comply with FERPA and refrain from disclosure of confidential records; 4) Remedy any disclosures that have already occurred; and 5) Issue any other remedy, including sanctions, as FPCO determines appropriate. Any remedy should require (b)(6); (b)(7)(C) and OCS to seek the return of any documents provided to third parties and to counsel any third parties not to re-disclose confidential information about (b)(6); (b)(7)(C).

**FACTS**

OCS is a (b)(6); (b)(7)(C) school located in Columbus, Ohio, established pursuant to Ohio Revised Code Chapter 3314. Pursuant to Ohio Revised Code Chapter 3323.012, a community



school established under Chapter 3314 is considered a school district for the purposes of this chapter and as such must comply with all state and federal special education statutes and rules. Consequently, as OCS is a school district, it must comply with FERPA and IDEA, which protect the privacy of educational records.

On March 9, 2012, Ms. (b)(6) filed confidential education records with the court in an electronic filing system that can be viewed by the public. That same day counsel for the parent filed a motion with the court to seal and protect the confidentiality of the educational records (Ex. 1) filed by Ms. (b)(6). Further, counsel for the parent sent an email (Ex. 2) to Ms. (b)(6) immediately after her disclosure of the records. The email put Ms. (b)(6) on notice of the violations of confidentiality and asked her to refrain from further disclosure. In spite of the cautionary email and repeated concerns raised by the parent's counsel, Ms. (b)(6) subsequently filed on March 10, 2012 additional confidential documents in the court's electronic system. Ms. (b)(6), (b) actions violate FERPA and IDEA.

On March 12, 2012, counsel for the parent spoke with Ms. (b)(6) via telephone. The purpose of the call was to schedule a phone conference with Ms. (b)(6) and the court to ask the court to rule quickly on the motion to seal because Ms. (b)(6) had filed these educational records in violation of FERPA and IDEA<sup>1</sup>. During the March 12, 2012 telephone conversation, Ms. Shank advised the parent's counsel that she intended to oppose Defendants' Motion to Seal. Ms. (b)(6) stated that her primary reason for opposition is that she wants to be able to use the transcript from the due process hearing at issue in this case, as well as additional educational records of the minor child involved in this case, to respond to inquiries from the public about the hearing. Specifically, Ms. (b)(6) indicated that families who are interested in enrolling their

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<sup>1</sup> The court has sealed the records temporarily until the parties in this case can fully brief the issue through a motion to seal the records. Ms. (b)(6) has opposed the motion to seal the records.

children in [REDACTED]S have heard about the hearing and have raised concerns about the school. Ms. [REDACTED] stated that she wants to show the educational records to these prospective parents in response to their concerns. Counsel for the parent understood Ms. [REDACTED] to believe that she could use the records to show third parties that OCS had prevailed in the hearing and to impugn the integrity of the parent. Specifically, Ms. [REDACTED] stated that she could show prospective parents that there was contradictory evidence presented by the parent at the hearing. Ms. [REDACTED] based her ability to disclose the educational records on the fact that the due process hearing was open to the public and that the parent had talked to others about her case.

In a March 12, 2012 court filing, Ms. [REDACTED] reiterates her intention to disclose confidential education records to the public. In her response to the motion to seal educational records, Ms. [REDACTED] explains that “[a]s a result of the public exposure generated by Mrs. [REDACTED]’ supporters, OCS needs to have access to the records and to be able to share them in order to show that the allegations made in the due process complaint were false and to respond to inquiries generated by the public exposure of the proceedings.” (Ex. 3, select portion of response to motion to seal.) An affidavit from Kristyn Miller, the OCS Superintendent, attached to Ms. [REDACTED] response brief, states that OCS has received inquiries about the due process hearing. (Ex. 4) Counsel for the parent has asked Ms. [REDACTED] to disclose whether she or OCS has already disclosed confidential information about the minor child to third parties. Ms. [REDACTED] refuses to answer this inquiry. (Ex. 5, Letter to Adele [REDACTED] March 15, 2012.)

## ARGUMENT

FERPA protects the privacy of educational records by prohibiting the release of records containing personally identifiable information without parental consent. 20 U.S.C. §1232g(b). There are limited exceptions to the parental consent requirement to release educational records, none of which applies here. Similarly, the IDEA protects the privacy of confidential education

records. The IDEA requires the protection of personally identifiable information at collection, storage, disclosure, and destruction stages. 34 C.F.R. § 300.623. School districts are required to ensure the protection of the confidentiality of any personally identifiable information collected or maintained regarding students. 20 U.S.C. §§ 1417(c) and 1412(a)(8). The educational records at issue here contain personally identifiable information and are maintained by OCS.

The parent has not given consent for OCS to disclose her minor child's educational records or information about the records to third parties. Because no consent has been given, the full protection of FERPA and IDEA apply here. An open due process hearing does not allow a school to circumvent its obligations to protect the confidentiality of educational records according to FERPA and IDEA. In a letter directly on point, the FPCO has made it clear that Ms. (b)(6); (b) actions violate FERPA and IDEA. The FPCO plainly states that an open hearing does not waive confidentiality under FERPA or IDEA. "We are aware of no legal requirement, and certainly none in FERPA or the Part B Confidentiality of Information provisions, that would permit a public school district to disclose education records without prior written consent on the grounds that the records were derived from or admitted into evidence in an open due process proceeding." Ex. 5, *Letter to* (b)(6); (b), 12/23/04.

In *Letter to Schad*, the FPCO further states "Under FERPA, a parent (or eligible student) must provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from a student's education records. Assuming that the transcripts and exhibits from the Part B due process hearing are "education records" (because they contain information directly related to a student), a public school district that maintains these records may not disclose them in response to a State FOI request without the parent's prior written consent even if they were created or submitted into evidence in a hearing that was open

to the public at the parent's request.”

Given that Ms. (b)(6) and OCS have indicated that this case is generating public inquiries, any release of educational records, even if redacted, would likely be easily linked or linkable to the minor child in this case, and would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the minor child with reasonable certainty. 34 C.F.R. § 99.3

Consequently, the release of educational records through the court's electronic filing system (even if redacted) could lead to the identification of the minor child in this case. Similarly, any release of records or information contained in the records (even if redacted) by Ms. (b)(6) or OCS to third parties who have inquired or will inquire about the due process hearing could lead to the identification of the minor child in this case. Release of the records or information about the records without parental consent violates FERPA and IDEA.

#### **REQUEST FOR REMEDY**

OCS and Ms. (b)(6) have failed to protect the confidentiality of educational records in spite of being advised multiple times on their obligations pursuant to FERPA and the IDEA. Further, OCS and Ms. (b)(6) have stated their intention to continue violating FERPA and the IDEA. There are no circumstances in this case which would entitle OCS or Ms. (b)(6) to disclose confidential educational records to a third party. Their obligations under FERPA and IDEA remain regardless of what a parent chooses to discuss or not discuss with a third party.

#### **Consequently, Complainant requests the FCPO to:**

1. Investigate the allegations in this complaint.
2. Determine that the actions of Ms. (b)(6) and OCS are in violation FERPA and IDEA.

3. Require Ms. (b)(6) and OCS to comply with FERPA and IDEA and refrain from further disclosure of confidential records.
4. Remedy any disclosures that have already occurred, including requiring OCS and Ms. (b)(6) to:
  - a) reveal whether and how many disclosures have occurred; and
  - b) advise individuals who received confidential records or information not to further disclose the information received and to return any documents that may have been provided to them; and
  - c) send the parent written confirmation that all third parties to whom disclosure was made have been contacted and advised of their obligation to protect and return any confidential information, and that the third party acknowledged the obligation to keep information confidential and returned all records.
5. Issue any other remedy, including sanctions, as FPCO determines appropriate.

Submitted on behalf of the parent (b)(6); (b)(7)(C) and her minor child (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) School, (b)(6); (b)(7)(C)

Respectfully submitted,

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

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

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

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

RECEIVED  
By

RECEIVED  
2012

January 17, 2012

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

Dear Family Policy Compliance Office,

I am writing to ask for your confirmation of the statement, attributed to Family Policy Compliance Officers in the attached letter, that the definition of an "Eligible Student" found by Family Educational Rights and Privacy Act (FERPA) expires on the death of said "Eligible Student."

Our University Archives has begun to receive more frequent requests by historians and genealogists for student records of deceased alumni from the early 20<sup>th</sup> century. Confirmation of the attached letter's interpretation of this issue in FERPA would be extremely helpful as would any other information you can provide on this subject. If you could reply by email at (b)(6); (b)(7)(C) edu or by mail at the following address, I would be very grateful:

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

I really appreciate your time and assistance in helping us make the best possible decisions in our management of these records.

Sincerely,

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







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

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

March 28, 2010

To Whom It May Concern:

The purpose for this letter is to inform the U.S. Department of Education about a potential violation of FERPA at (b)(6); (b)(7)(C) University. After contacting the University on February 8<sup>th</sup> and inquiring about the incident, I have not received any response. Attached is an email written and sent by an instructor to an entire class of students at midnight on December 16<sup>th</sup> 2009 the morning of the final examination.

As stated and acknowledged by the instructor near the beginning of the email, there were eleven students enrolled in the course at that time. Given that the class size was so small, it should be known that these classmates share the same course schedule block throughout the semester from class to class. Therefore caution should be exercised when disclosing information to students for the protection of privacy.

Particularly, this email discusses three of the eleven students having different charges of academic misconduct in her class and specifically details the situation of one of those students. As I am one of the three students, I find it difficult to understand why it was necessary to disclose this information to the class on the day of the final exam. This was a private matter, but due to the email sent from the instructor, it has caused me great embarrassment and public humiliation. I am writing this letter hoping to prevent situations like this for students in the future.

Thank you for your time,

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

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

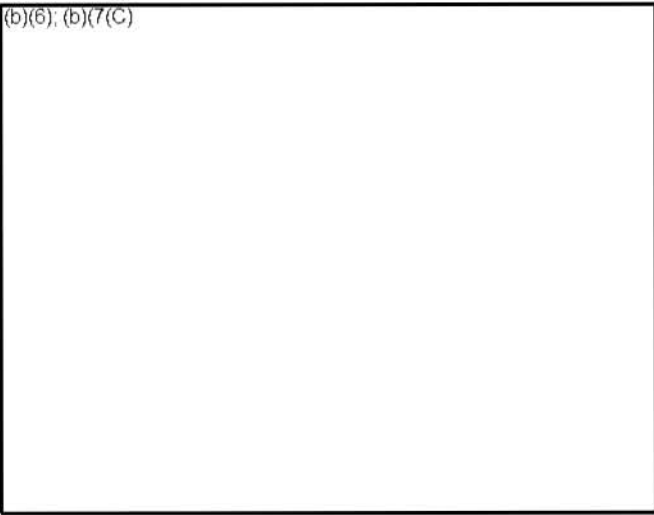
January 28, 2012

To Whom It May Concern:

Is it a violation of my rights as a college graduate if an institution receiving federal funds gives out information concerning my degree or degrees without my consent? Please advise me by return mail as soon as possible. Thank you.

Sincerely,

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





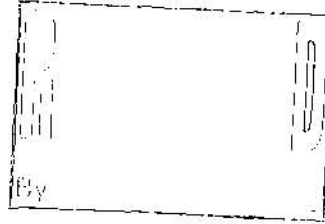
# STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION



July 13, 2010

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



## RE: **Lawyers In Violation Of FERPA**

I hereby lodge an official complaint against the following two attorneys: (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) on behalf of three (3) Connecticut public school students (who attends 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:

### **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: June 14, 2010

Date Violation Discovered if different from above: \_\_\_\_\_

### **Other Relevant Information:**

*(Use this section to add any additional explanatory comments)*

During a trial in federal court, where I served as the State's representative, the above two attorneys, in open court while members of the public were present, shared personally identifiable information on three students with disabilities. After what they claimed was a mistake when they violated FERPA the first time, they repeated their violation not once, but twice. The Connecticut Assistant Attorney General asked the judge to stop the proceedings until this matter could be settled. These two attorneys are educational


FERPA compliant  
July 13, 2010  
page 2

attorneys which only makes this situation more serious as they are fully aware of FERPA regulations.

Yours Truly,

Brian J. Cunnane

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

A rectangular box with a black border, containing the text "(b)(6); (b)(7)(C)" in the top left corner. The rest of the box is empty, indicating a redacted signature.

Connecticut State Department of Education  
P.O. Box 2219  
Hartford, CT 06145-2219  
860.713.6919  
Brian.Cunnane@ct.gov



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

January 23, 2012

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



RE: **FLORIDA MEMORIAL UNIVERSITY**

I, (b)(6); (b)(7)(C) a student of (b)(6); (b)(7)(C) University, hereby lodge an official complaint against said institution for what I believe to be:

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

The nature of the complaint is as checked:

**Alleged Violations of Act or Regulations**

- Inappropriate person(s) granted or denied access
- Inappropriate sharing of confidential information

Date of Violation: Between **September** and **October** 2011

Date Violation Discovered if different from above: **November 14, 2011**

**Other Relevant Information:**

This issue has been brought to the attention of several university administrators: (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) President, (b)(6); (b)(7)(C), Vice-President of Student Affairs, and (b)(6); (b)(7)(C) Provost and Vice-President for Academic Affairs. To date have not been made aware of the state of the investigation. Please find attached the initial complaint letter sent to the aforementioned parties.

Yours Truly,

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

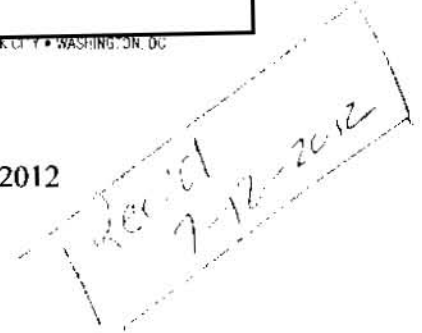
(b)(6); (b)(7)(C)

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

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

CHICAGO • NEW YORK CITY • WASHINGTON, DC

April 27, 2012



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

Re: Request for Opinion - FERPA

Dear Ms. Styles:

On behalf of our client, we write to seek the opinion of the Family Policy Compliance Office (“FPCO”) concerning an application of the Federal Educational Rights and Privacy Act (“FERPA”). More particularly, we seek to confirm that our client, whose operations are described below, meets the definition of an “Accrediting Organization” for purposes of 34 CFR § 99.31(a)(7).

Our client (“Client”) is a non-profit organization, which, among other things, is engaged by school districts and state departments of education throughout the country to recruit, train, evaluate, and recommend for certification new teachers (“Teacher Candidates”). Client’s certification recommendations to states are the most important factor in the state’s determination whether to award certification (provided that the Teacher Candidates meet any baseline requirements, such as passing a background check and any required standardized examination). Indeed, we are not aware of any instance where a state did not award certification to a Teacher Candidate recommended for certification by Client. In effect, the state’s teacher accrediting body delegates its decision-making authority to Client for purposes of teacher certification for Teacher Candidates enrolled in Client’s programs.

Only those Teacher Candidates who successfully complete Client’s program are recommended by Client for certification. The program includes a combination of curricula (instruction in foundational knowledge and skills, pedagogy, and the design and implementation of lesson plans), and hands-on teaching in an actual classroom. (Uncertified prospective teachers may perform subject to various regulations.)

Kathleen Styles  
April 27, 2012  
Page 2

Teacher Candidates ultimately must demonstrate to Client that they are effective teachers in order to receive Client's recommendation for certification. In evaluating a Teacher Candidate's teaching effectiveness, Client observes a Teacher Candidate's classroom teaching skills, but it also relies heavily upon student data that reflects student achievement. In this regard, Client evaluates overall student growth by assessing, among other things, student standardized test results, student performance in the classroom, ordinary class test results, and whether students meet or exceed grade-level standards generally. Thus, obtaining student data is crucial to Client's evaluation and recommendation procedures.

Although Client makes every effort to collect student data in such a manner that no student is individually identifiable, there are, of course, particular instances where Client may be subject to a hyper-technical contention that a student was individually identified (*e.g.*, where Client seeks data concerning students with disabilities, and only a few students in a class are diagnosed with a disability). For this reason, in an abundance of caution, Client requests confirmation by FPCO that it is an accrediting organization pursuant to 34 CFR § 99.30, and thus educational agencies and institutions may disclose student data to Client without the prior written consent of the students' parent as normally required under FERPA.

34 CFR § 99.30 permits educational agencies and institutions to disclose information to "accrediting organizations to carry out their accrediting functions."<sup>1</sup> Here, Client effectively makes teacher certification decisions for a state's certification agencies. Those agencies, in turn, constitute teacher accreditation organizations. *See, e.g.*, 24 RCNY §47.13(a)&(b) (referring to the New York State Education Department, and organizations other than colleges and universities that certify the qualifications of certain teachers, as "teacher accreditation organizations"). As Client stands in the shoes of those teacher accreditation organizations – effectively exercising the authority ordinarily reserved to those organizations – it also meets the definition of a teacher accreditation organization. As such, we respectfully suggest that it falls within the ambit of 34 CFR § 99.30 as an "accrediting organization" that performs "accrediting functions."

Moreover, we understand that the FPCO has construed the terms "accrediting organization" and "accrediting functions" to apply to entities which assess the quality of the instruction or training provided by an educational agency, institution, or program. This is precisely the service which Client provides: it assesses the quality of the instruction provided by Teacher Candidates to pupils for the purpose of determining whether they ought to be certified as teachers.

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<sup>1</sup> The terms "accrediting organization" and "accrediting functions" are not defined in FERPA or the regulations thereto.

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

Kathleen Styles  
April 27, 2012  
Page 3

Based on the facts above, we respectfully request an opinion from FPCO as to whether Client is an accrediting organization pursuant to 34 CFR § 99.30, which we believe it is. If FPCO requires additional facts to render an opinion, please do not hesitate to contact the undersigned in writing or by telephone. We appreciate your consideration of this matter.

Respectfully submitted,

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

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

MAY 19 2009

U S. Dept of Education  
Attn: Reginia

I am writing this letter in regards to my daughter's student records and file. A request was made on April 3, 2009 by my lawyer and I also have asked several different departments for her file and have only received report cards. I requested a complaint form, a home school application, and her records from the following departments. The administration office, of Fleetwood School District, the superintendents office, the (b)(6); (b)(7)(C) grade office and the guidance councilor and they all told me they would not help me.

My daughter was attending (b)(6); (b)(7)(C) gradc at the (b)(6); (b)(7)(C) School at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Her name is (b)(6); (b)(7)(C) and we live at (b)(6); (b)(7)(C) I have been trying to get her into a (b)(6); school since April 3, 2009. The (b)(6); School has also requested the records numerous times I met with them on May 12, 2009 and again they told me that Fleetwood School District refused to release the records.

The name and address of the (b)(6); School is (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) My contact is (b)(6); (b)(7)(C) she is the asst director of enrollment. They do have another department working on this and you would have to talk to them to find out what department and who has been working on it. The phone number of the school is (b)(6); (b)(7)(C)

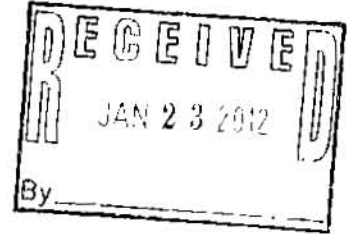
I would appreciate anything that you could do to obtain these records and files that I need to enroll her in this school. I have filed numerous complaints about this situation and the whole matter to the Department of Education state division and all the departments connected to this and have not heard a word. I also want to mention that the Fleetwood School District has been told by me and my lawyer that it is against the law to not give me copies of her records and file. It is a shame that they think they are above the law by not complying it is now almost the end of May and I still do not have any of the records I am legally entitled too.

*Thank you*

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

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

January 11, 2012



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

Phone: 202.260.3887 FAX: 202.260.9001 (TOTAL PAGES: 3)

Dear Compliance Office Associate:

Would you please let me know if (b)(6); (b)(7)(C) College (b)(6); an institution that receives federal funding under the US Department of Education, violated the FERPA (Family Education Rights and Privacy Act) by failing to comply with my request for access to my son's education records?

On January 9, 2012, I phoned the Admission and Registration Office at 971.722.8888 and spoke with (b)(6); (b) I requested confirmation that (b)(6); (b) (b)(6); (b)(7) my son born January 10, 1994, was admitted and registered. I also requested his class schedule. (b)(6); (b)(7) told me that she was unable to disclose these personally identifiable records as this disclosure was against school policy. The (b)(6) Privacy Policy is attached and online at (b)(6); (b)(7)(C) Additionally, I am also requesting his midterm, if available, and semester grades and to be informed **immediately** if his credit load drops below 12.

I understand that when (b)(6); (b) reached 18 years of age or attended a post secondary institution, he became an "eligible student" and all the rights under the FERPA were transferred from the parents to him. As the natural, bio Dad parent, I retain access to his educational records as he is my dependent for tax purposes. In other words, the FERPA permits a school to disclose personally identifiable information educational records of an "eligible student" to me since (b)(6); (b) is a "dependent student" as defined in Section 153 of the Internal Revenue Code. The Divorce Decree provides (b)(6); (b) as my dependency exemption for the odd tax years (see attached).

Also, there are no legally binding court or other legal papers that prohibit access to the educational record or removed my parent rights to have knowledge about (b)(6); (b)(7) education.

Thank you for your assistance to help me secure (b)(6); (b)(7) education records from (b)(6) If you have any questions or need additional information, please contact me as above.

Sincerely

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

cc: (b)(6); (b)(7)(C) College, Admission and Registration Office, (b)(6); (b)(7)(C)

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

Enclosures:

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

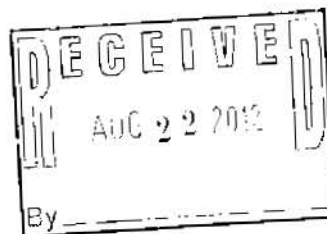
Privacy Policy

Divorce Decree Excerpt, page 21



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

Family Policy Compliance Office  
400 Maryland Avenue, S.W.  
Washington D.C., 20202



Re: FERPA Complaint  
Upper Township School District  
Cape May County, NJ  
Student: (b)(6); (b)(7)(C)

Dear Sirs:

I have made several attempts to request two sets of scores from the Upper Township School District pertaining to my son, (b)(6); (b)(7)(C) during (b)(6) grade. The school has denied access to the assessments or the information provided. These scores are for 1) beginning and end of the year scores for Benchmark Assessments in Language Arts and Math, administered to all students, and 2) Informal Reading Inventory (IRI) scores, administered each trimester as the evaluation procedure to measure progress meeting criteria in his Individualized Education Plan (IEP). I have attached the supporting documents detailing my requests and the denials.

#### BENCHMARK ASSESSMENTS

9/5/11 Me to (b)(6); (b)(7)(C) LDT-C - I suggested use of Test of Written Language (TOWL) to obtain accurate assessment across year in writing. TOWL Form A would provide pretest (baseline data) and Form B would provide posttest data.

9/6/11 (b)(6); (b)(7)(C) response to me - Suggested use of assessments already used in the classroom

9/6/11 Me to (b)(6); (b)(7)(C) - I asked (b)(6); (b)(7)(C) what teachers would be using. ( Special education teachers had used curriculum based assessments (CBM) last year, but CBMs are 3 minute probes counting only the number of words written. Some CBMs ignore word usage, spelling, punctuation, etc. and do not provide data used in the general education classroom.) I pointed out to her that in 7<sup>th</sup> grade the teacher stated she would give pre and post tests for each writing genre, but did not do this. (b)(6); (b)(7)(C) had scored 8-10 on rubrics last year for revising and editing when he never reached this stage of the editing process. No response.

9/22/11 Back To School Night - (b)(6); (b)(7)(C) (principal) and (b)(6); (b)(7)(C) (curriculum coordinator) gave power point presentation. Informed parents Benchmark Assessments would be implemented in Language Arts and Math for grades K-8. Power point remained on (b)(6); (b)(7)(C) website throughout school year. (b)(6); (b)(7)(C) website lists

benchmark assessments as a component of standards-based instruction and states they must be included in the curriculum.

2/27/12 Me to (b)(6); (b)(7)(C) (Language Arts) – Laptop & Benchmarks – I requested information on benchmark given to (b)(6) and if she had the scores. No response.

2/27/12 Me to (b)(6); (b)(7)(C) (Math) – Math Benchmarks: I requested a copy of (b)(6) math benchmark scores from his math teacher. No response

2/29/12 Me to (b)(6); (b)(7)(C) (Math)- Classes - I requested benchmark assessment profile to see strengths and weakness in math. No response

3/2/12 & 3/5/12 Me to (b)(6); (b)(7) (Math) - Week of 3/5/12 & Benchmarks – I asked if he or the curriculum coordinator had scores. No response. Asked again for information.

3/2/12 Me to (b)(6); (b)(7)(C) (Language Arts)- ACC & LA Week of 3/5/12 & Benchmarks – Follow-up to my initial request for language arts benchmarks which had been ignored. No response.

3/5/12 – (b)(6); (b)(7)(C) Supervisor of Special Education to Me - Benchmarks – Denied request. Informed me benchmarks in language arts and math are for internal purposes only and is not shared with parents.

5/18/12 – IEP meeting scheduled– I requested a copy of benchmark assessments at (b)(6); IEP meeting since scores were not in IEP draft. (b)(6); (b)(7)(C) informed me benchmark assessments are administered through the general education department.

5/30/12 - Me to (b)(6); (b)(7)(C), curriculum coordinator –Benchmarks/Stanford – requested copy of language arts and math benchmark assessments. No response.

6/4/12 Me to (b)(6) – Asked if benchmark scores were available.

6/4/12 (b)(6) to Me – Told benchmarks were for data purposes only.

6/4/12 – Me to (b)(6) – Informed (b)(6); (b)(7)(C) assessments must be available to parents.

No response.

6/4/12 – Me to (b)(6) – I requested beginning and end of year benchmarks, but if end of year benchmarks had not been administered yet, I would accept beginning at that time. No response (Copies sent to (b)(6); (principal), (b)(6); (b)(7)(C) (CST supervisor) and (b)(6); (b)(7)(C) (president of school board)

6/6/12 Me to Vince Palmieri (Superintendent) – I had spoken to Mr. (b)(6); (b)(7) at a school band concert. I had then followed our conversation at the concert with the email attached on 5/23/12. After not receiving a response, I followed with the email of 6/6 requesting the benchmark assessments. Once again, I was denied the information.

#### INFORMAL READING INVENTORY SCORES – 3 TRIMESTERS

According to (b)(6); (b) grade IEP objectives for reading fluency and reading comprehension, an Informal Reading Inventory (IRI) will be done each trimester by the

LDT/C. I have included a copy of (b)(6) language art's goals and objectives for language arts. Below are the IRI scores which Upper Township District has provided. Blanks are where there are missing scores.

	TRIMESTER		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
<b>Oral Passages</b>			
Independent	-	Grade 6	-
Instructional	-	Grade 7	-
Frustration	-	-	-
<b>Graded Word Lists</b>			
Independent	-	Grade 8	-
Instructional	-	Grade 9	-
Frustration	-	Grade 11	-
<b>Oral Reading Fluency</b>			
(goal: 5 <sup>th</sup> grade level (97wpm avg; errors not reported))			
116 wpm, <3 errors) Is this 5 <sup>th</sup> grade level?			
6 <sup>th</sup> grade level		83 wpm	-
7 <sup>th</sup> grade level		94 wpm	-
8 <sup>th</sup> grade level		103 wpm	-
		(errors not reported)	
<b>Silent Reading Passages</b>			
Independent	-	-	-
Instructional	-	-	-
Frustration	-	-	-

(b)(6) IEP is a legal document. The district agreed to use the IRI each trimester to measure (b)(6) progress. I believe it is my right to have access to these scores. I was only given the oral reading fluency average without errors reported at an unknown grade level for the first trimester. For the second trimester I was not given errors for oral reading fluency or the frustration level. I was never given any scores for silent reading passages, which is the most critical information because this is the manner students read textbooks in the classroom. I was never given any scores for the third trimester. (b)(6) was absent for the last three days of school, but the LDT-C should have planned to administer the IRI to (b)(6) before the excitement of 8<sup>th</sup> grade commencement activities took over the students. I emailed Mr. (b)(6), (b)(7)(C) informing him that if (b)(6) presence was needed to complete any assessments I would make (b)(6) available and bring him for testing. As an LDT-C I assessed students for another district during the summer months, which is a common practice. I was never contacted to have (b)(6) complete any assessments after school dismissed, thus all assessments required by the IEP including the third semester IRI should have been completed. (b)(6) has not had an IEP meeting as of the date of this letter because no teachers were present in the meeting room on 5/18/12. A special education and a general education teacher must be present at the IEP meeting unless they are excused, however I never excused teachers from the meeting. I am requesting this IRI data so that it is possible to measure (b)(6) progress over the year, as we agreed in (b)(6) IEP dated 8/31/11.

5/23/12 Me to Mr. Palmieri (Superintendent) – IRI/Benchmarks – I asked Mr. Palmieri to get IRI scores from LDT-C or Mr. DiDonato. No response.

6/6/12 Me to Palmieri – IRI/Benchmarks – I informed Mr. Palmieri scores were missing from (b)(6) IEP. I stated 3 sets of scores were required to assess progress according to (b)(6) IEP. "I am requesting copies of (b)(6) IRI tests/scores be provided to me."

6/6/12 – Palmieri to Me – IRI/Benchmarks – Stated all required results had been shared via the "IEP review process." (b)(6) did not have an IEP meeting. When meeting was scheduled, Mr. (b)(6); (b)(7) refused to allow teachers to enter room to review IEP in violation of laws written to protect rights of special needs students. No IEP meeting has been held to date. Now Mr. (b)(6); (b)(7) has suggested (b)(6) begin 9<sup>th</sup> grade using this IEP, removing him from the general education classroom for language arts and suggesting he have an exten when we do not know if he has met criteria from IRI as Mr. Palmieri says we have received.

5/18/12 IEP Draft of PLAAFP for Language Arts – The mid year fluency scores are the only scores reported. I was given a silent reading percentile, which does not correlate with the informal reading inventory, so although it does provide one end of the year score for silent reading, it does not provide the information designated in the IEP used to measure growth over the year (grade level for independent, instructional, and frustration levels at each trimester).

Thank you for taking the time to review this information. What I am attempting to obtain is the benchmark assessments in language arts and math given to all students during the 2011 – 2012 school year and the Informal Reading Scores for all three trimesters in all areas listed in the chart above. I would like (b)(6); (C) responses to the IRI that verify he met his reading comprehension goal to orally summarize a reading passage, which the IEP PLAAFP states he is able to do at a 6<sup>th</sup> grade level. Benchmark assessments are a district-wide assessment and students and there is no reason for (b)(6) not to have participated in the assessment or for the score to be shared with his parents. The LDT-C informed me in September this was the method the district would use to monitor progress in writing, thus no other measure was written into (b)(6) IEP. The district's denial of access to this information has made it impossible for us to make informed decisions regarding (b)(6); placement in a 9<sup>th</sup> grade setting. Please feel free to contact me by email or phone to answer any questions that arise. Our family appreciates all that you do on our behalf to assist our son, (b)(6) in obtaining the education we work so desperately to provide for him.

Sincerely,

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

(b)(6); (b)(7)(C) M.A., LDT-C  
(b)(7)(C) (b)(6); (b)(7)(C)

Phone (b)(6); (b)(7)(C)  
Email

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



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

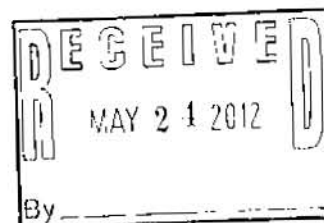
To Whom It May Concern:

Recently I received a reply from the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) concerning my complaint # 04-12-135305 filed with that agency. Apparently this agency was not the correct one to file it with and your agency was given as possibly the correct one.

Therefore I am requesting your assistance with this complaint. I expended a lot of resources filing this complaint with state and federal agencies, so could your agency request a copy of the complaint that I filed with the U.S. HHS, OCR and investigate it? If I must sign a release for your agency to get it just send it to me, I will sign it. My income is limited so please take on my request. I have attached a copy of the letter from the agency mentioned.

Sincerely,

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



**How to File a Complaint  
with the U.S. Department of Education under the  
Family Educational Rights and Privacy Act (FERPA)  
20 U.S.C. § 1232g; 34 CFR Part 99**

A parent or eligible student (one who is at least 18 years of age or attending a postsecondary institution) may file a complaint against an educational agency or institution for violating the Family Educational Rights and Privacy Act (FERPA). Please note that, under FERPA, an individual must have "standing", that is, have suffered an alleged violation, in order to file a complaint under FERPA. The FERPA regulations provide that a complaint must be submitted in writing to:

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

In order to file a complaint, please complete the following form. Be sure to type or print legibly and *include sufficient detail and/or evidence to support your allegation*. You should also attach a copy of any pertinent documentation in support of your complaint. Please do not submit video or audio tapes with your complaint as any extra information not pertinent to a FERPA allegation will be returned to you.

Please consider that in order for the Family Policy Compliance Office (FPCO) to investigate a complaint, it must be *timely* and must contain *specific allegations of fact giving reasonable cause to believe that a FERPA violation has occurred*. Therefore, before filing, be sure that you understand clearly what your rights are under FERPA, that you have contacted appropriate school officials about the exercise of those rights, and that you are able to explain in detail and document, if appropriate, any alleged violations. For example, a school has 45 days in which to respond to a request to inspect and review education records and need not, under FERPA, provide you with a *copy* of education records unless, for example, you do not live within commuting distance of the school. Your complaint must also be "timely," meaning that it must be submitted to *the FPCO within 180 days* of the date that you knew or should have known of the violation.

The FPCO will notify you and the educational agency or institution in writing if it initiates an investigation and will ask the institution or agency to submit a written response. The FPCO will also notify you if it does not initiate an investigation if your complaint fails to comply with the requirements for filing a complaint under the FERPA regulations as described above.





RICHARD G. LUGAR  
INDIANA

306 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
202-224-4814  
<http://lugar.senate.gov>

COMM. 115  
FOREIGN RELATIONS, BANKING MEMBER  
AGRICULTURE, NUTRITION, AND FORESTRY

# United States Senate

WASHINGTON, DC 20510-1401

January 11, 2012

IES  
TK

Ms. Gabriella Gomez  
Assistant Secretary  
U.S. Department of Education  
Office of Legislative and Congressional Affairs  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Ms. Gomez:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Your findings and views, in duplicate form, along with the return of the enclosure, will be greatly appreciated. Please direct your reply to the attention of (b)(6); (b)(7)(C) of my Washington office.

Thank you for your thoughtful attention.

Sincerely,

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

Richard G. Lugar  
United States Senator

RGL/cgd  
Enclosure

**JAN 19 2012**

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

October 14, 2009

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue  
Washington DC 20202-5920

Dear Sirs

I am the natural mother and the Statutory Durable Attorney of Fact for my natural daughter, (b)(6); (b)(7)(C) and I handed a copy of this Statutory Durable Power of Attorney of Fact filed with the Court to date directly to Ms. (b)(6) in our August 17, 2009 meeting with her in her office, and now on file with (b)(6); (b)(7)(C) University, Dallas Texas. My daughter is a sophomore currently attending (b)(6)

Judge (b)(6); (b)(7)(C) joins with (b)(6); (b)(7)(C) President (b)(6); (b)(7)(C) et al, and (b)(6); (b)(7)(C) Texas et al, and others to violate my daughter's (b)(6); (b)(7)(C) student FERPA rights of record at times and dates by means yet undisclosed to us. He did so over my and my daughter's repeat objections of and beyond record to date, without informing us, without our advance knowledge or written consent. He does not have any powers of arrest under Texas law.

On August 24, 2009, Judge (b)(6); (b)(7)(C) did and continues to threaten me with arrest, absent merit, cause or material true fact, if my daughter exercises her legal rights in all matters at all times material to this complaint. He did NOT and does NOT have any ex parte order from U.S. Attorney General Eric Holder to allow him, as an (b)(6); (b)(7)(C) alumnus, to get paid to violate my daughter's federally protected rights without her permission or consent, over our repeat objections of/beyond record.

Judge (b)(6); (b)(7)(C) as retired State District Judge and lawyer is one of (b)(6); (b)(7)(C) most influential alumni and member of the Dallas and Texas legal, political and power elites. He is joined with others in historic continuing fraud upon the Court of record involving parties/entities in Texas, Florida, North Carolina, Alberta Canada and the U.S. to date.

I have enclosed my three page letter dated October 14, 2009 to (b)(6); (b)(7)(C) University Dallas Texas President (b)(6); (b)(7)(C) I ask for your immediate assistance in all matters at all times material to this complaint.

We have directed Judge (b)(6); (b)(7)(C) et al expressly in writing to cease and desist and fully disclose all actions, admissions, threats etc of and beyond record to date which violate my daughter's federally protected rights material to FERPA to date. We ask that you fully copy us on all parts of your investigation with complete copies of all communications to and from all parties, all entities on all matters at all time material to this complaint.

Thank you.

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

Parent receiving Trust Distributions  
Statutory Durable Attorney of Fact for the Person and Estate of (b)(6); (b)(7)(C) of record.

Enclosure (b)(6); (b)(7)(C) October 14, 2009 letter to President (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Dallas TX- three (3) pages  
CC U. S. Attorney General Eric Holder

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

January 12, 2012



Re: FERPA violation

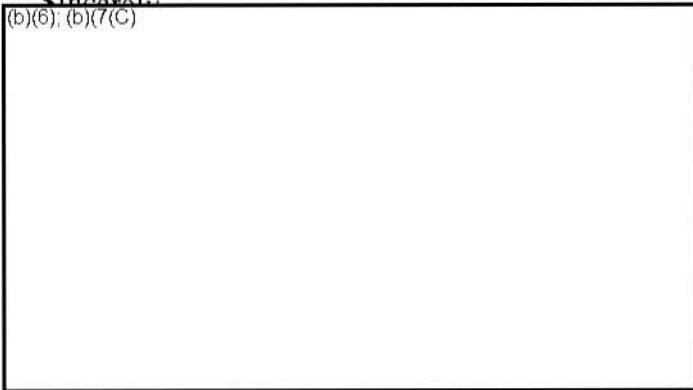
To whom it may concern,

I am writing to you to report a FERPA violation that involves my son. We applied for the (b)(6); (b)(7)(C) School in (b)(6); (b)(7)(C) Oregon, where he was accepted and approved for financial aid. They needed his records from his preschool. I told them not to contact his preschool, and that I would get them the records. I did not want them to communicate with his preschool because he has a delicate medical situation. They contacted his preschool anyway. I politely discussed the situation with the admissions coordinator, and she got angry. My son was not able to go to the (b)(6); (b)(7)(C) School because they denied him financial aid even though he was approved for it. I think they withheld the financial aid knowing that it would prevent him from attending the school because I questioned their actions.

Is there anything that I can do about this?

Sincerely,

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



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

(Date) 4/21/2012

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 Jacksonville, FL on behalf of  
(b)(6); (b)(7)(C) who attends (b)(6); (b)(7)(C) 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: Violation of Student Confidentiality

Title: Violation of Student Privacy  
Date: 3/12/2012

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

Date challenged content discovered: 3/12/2012

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: 3/12/2012  
Date Violation Discovered if different from above: \_\_\_\_\_

**Other Relevant Information:**

*(Use this section to add any additional explanatory comments)*

Information gathered in a confidential meeting held with school administrator, swimming coaches, and school police officer was used to warn other coaches and teachers of how to address student and parents concerns. Which then lead to student mistreatment as well as student and parents' concerns being dismissed. Which also contributed to emotional distress upon the student.

Yours Truly,

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

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



Family Policy Compliance Office  
US Department of Education  
400 Maryland Ave, SW  
Washington DC 20202-4605

RE: School in Violation of FERPA

I would like to lodge an official complaint against the Oak Creek-Franklin (Wisconsin) Joint School District on behalf of (b)(6); (b)(7)(C). He attends (b)(6); (b)(7)(C) School in Oak Creek, Wisconsin. I believe the school district has violated the Family Educational Rights and Privacy Act of 1974 by failing to provide a copy of educational records as requested.

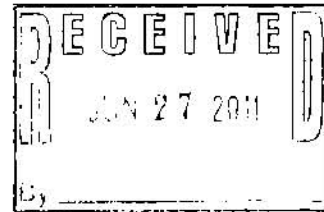
On two separate occasions, December 30, 2011 and January 23, 2012, I requested a full copy of my son, (b)(6); (b)(7) educational record. As of the date of this letter, I have not received the records nor have I received an explanation as to why the records have not been made available.

If you have any questions, I can be reached at (b)(6); (b)(7)(C)

Sincerely yours,

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

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



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)

June 1, 2011

Dear Sir or Madam,

We are writing to file a complaint concerning a violation of FERPA.

This violation occurred during the 2010-2011 school year at our son's school-

(b)(6); (b)(7)(C) School in Newport, NC.

Our son had been falsely accused of cheating by "looking" at another student's test.

My son had never been in any kind of trouble in school (12 years) and I knew he did not cheat-look at another students paper and copy and I knew there would be no proof of it-that is why I asked to compare the test and show the evidence.

We requested that the 2 tests be compared and we also requested to see our son's test as well. We were denied both requests on a number of occasions.

As an educator, I am aware that you can tell if a student has copied from another by comparing the 2 tests. You can also tell if a student has changed his answers by seeing where they have been erased and written over. I did have knowledge of the other students grade from talking with his parent but I was denied my right to know my son's grade.

The false accusation took place on November 18, 2010 and I asked to see the test on the 18th and on the 19th and was told "no". I wrote letters and met with the Principal, (b)(6); (b)(7)(C) and the Superintendent, Dan Novey and asked them to see the test and to compare the 2 tests, also. They said they didn't have to.

It wasn't until January 4th, 2011, after we hired an attorney that we were finally allowed to see our son's test.

Thank you for your help in this matter,

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





