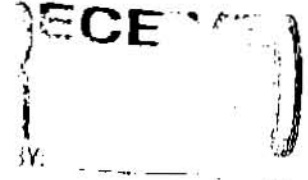


(b)(6); (b)(7)(C)

August 8, 2014



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

Sent by Electronic Mail & U.S. Postal Service Priority Mail

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

This letter reflects my response to your August 1, 2014 Letter of Allegations for CP 0107-2014, which pertain to ODE's releasing on its website personally identifiable information about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C), two students with disabilities whose family was involved in due process cases in Ohio.

Issue One: 34 CFR 300.610 (Confidentiality)

The IDEA at 34 CFR 300.610 requires the protection of personally identifiable information collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act.

Although the Ohio Department of Education is an SEA, ODE asserted in CP 0086-2014 that it is not required to comply with the requirements of 34 CFR 300.610, as the regulation in question, according to ODE, applies only to the Secretary.

Yet, the IDEA at 34 CFR 300.123 provides the following requirement:

The State must have policies and procedures in effect to ensure that public agencies in the State comply with Sec. Sec. 300.610 through 300.626 related to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the Act.

Moreover, the IDEA definition of a public agency found at 34 CFR 300.33 indicates the following:

Public agency includes the SFA, LEAs, ESAs, nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

As such, it would appear that ODE, as an SFA, meets the IDEA definition of a public agency and, as such, "must comply with Sec. Sec. 300.610 through 300.626" as indicated at 34 CFR 300.123.

ODE's publication of the due process decisions reached in SE 2860-2013 and SE 2861-2013 on its website found ODE disclosing the names of the students involved in the respective cases:

(b)(6); (b)(7)(C) (SE 2860-2013, page 37) and (b)(6); (b)(7)(C) (SE 2861-2013, page 44).

According to the IDEA definition of Personally Identifiable found at 34 CFR 300.32, personally identifiable includes information that contains the "name of the child, the child's parent, or other family member."

In conclusion, ODE meets the definition of a public agency, thus requiring it per 34 CFR 300.123 - to comply with the requirements of 34 CFR 300.610, which it failed to do when disclosing personally identifiable information about (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) on its website.

Issue Two: 34 CFR 300.622 (Consent)

The IDEA at 34 CFR 300.622 requires that parental consent be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies for the purposes of meeting a requirement of the Act.

A participating agency is defined at 34 CFR 300.611 as "any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act."

Since the Ohio Department of Education collected, maintained and used the personally identifiable information about (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C), ODE meets the criteria for a participating agency as defined at 34 CFR 300.611.

While ODE meets the criteria of a participating agency with an educational interest in (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) the public at large does not meet the criteria as a participating agency with an educational interest in the purposes of meeting a requirement of the Act.

To be sure, by virtue of its website, ODE has disclosed personally identifiable information about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to public, which has no educational interest under Federal law which would meet any of the exemptions for disclosure without parental consent.

In conclusion, by posting on its website personally identifiable information about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) without first obtaining consent from their guardians, ODE has failed to comply with the requirements of 34 CFR 300.622.

Issue Three: 34 CFR 300.614 (Record of access)

The IDEA at 34 CFR 300.614 requires that each participating agency keep a record of parties obtaining access to education records collected, maintained or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date

access was given, and the purpose for which the party is authorized to use the records.

A participating agency is defined at 34 CFR 300.611 as "any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act."

Since ODE collected, maintained and used the personally identifiable information about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C), ODE meets the criteria for a participating agency as defined at 34 CFR 300.611.

In CP 0086-2014, ODE asserted that its publication of personally identifiable information regarding its waiver requests did not constitute usage under Part B since the IDEA has no requirements for waivers. This is a distinction without difference, as ODE's waiver program, while not specifically required by the IDEA, is a state-level initiative designed to ensure the Act is carried out (specifically, in the case of the waivers, compliance with 34 CFR 300.323).

Both the posting of waiver requests and due process decisions are required on a state level, by virtue of the Doe Consent Order; yet, both represent state-level initiatives to assist in the carrying out of the IDEA, and both expend Part B funds in the process. As such, complying with the Doe Consent Order is part of ODE's carrying out of the IDEA.

Clearly, ODE did not meet the requirements of 34 CFR 300.614 when publishing personally identifiable information about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) on its website. To be sure, because the personally identifiable information was shared with the public at large via a website, it's not clear how ODE could keep a record of

- The parties that obtained access to this personally identifiable information
- The names of the parties that obtained access to this personally identifiable information
- The date that access was given to this personally identifiable information

- The purpose for which the parties were authorized to use the records of these students

In short, ODE has no idea how many parties have accessed this information, the names of the parties that have accessed this personally identifiable information, the date the personally identifiable information was accessed and the purpose for which the parties were authorized to have accessed the personally identifiable information.

Because ODE cannot establish the parties which have accessed the personally identifiable information, the names of the parties which have accessed the personally identifiable information, the dates the parties accessed the personally identifiable information and the purpose for which the parties were authorized to access the personally identifiable information, ODE has failed to comply with the requirements of 34 CFR 300.614.

Issue Four: 34 CFR 300.149 (SEA responsibility for general supervision)

Under 34 CFR 300.149, the SEA is responsible for ensuring that the requirements of this part are carried out.

The Ohio Department of Education is an SEA.

ODE failed to ensure the protection of personally identifiable information (34 CFR 300.610) as required per 34 CFR 300.123; failed to obtain parental consent before disclosing personally identifiable information to the public (34 CFR 300.622); and failed to maintain records of access for the disclosure of personally identifiable information (34 CFR 300.614).

Thus, ODE failed to ensure that the requirements of this part were carried out.

I have enclosed for your review two .pdf files - SE 2860-2013 and SE 2861-2013, respectively - which were accessed from the ODE website before ODE removed them. In addition, I am requesting an interview for this complaint, pursuant not only to the Doe Consent Order but ODE's state-level complaint procedures.

I can be reached at (b)(6), (b)(7)(C)

Sincerely,

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

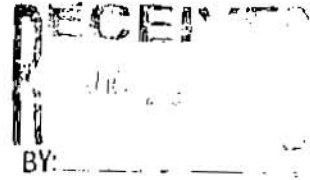
cc: Ruth Ryder
US Department of Education, OSEP

Bernie Cieplak
US Department of Education, FPCO

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

August 19, 2014

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 (b)(6); (b)(7)(C) School on behalf of (b)(6); (b)(7)(C) who attends (b)(6); (b)(7)(C) School, (b)(6); (b)(7)(C), for what I believe to be:

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

The nature of the complaint is as checked:

☒ Challenge to Record or Content

- ☒ Inaccurate
- ☒ Misleading
- ☒ Incomplete
- ☒ Inappropriate

Record challenged may be identified as:

Title: School Records and Page of Custody Decision.

Date: August 19, 2014

Person responsible for Entry or person currently maintaining record: Patricia Duran, Superintendent of Schools and (b)(6); (b)(7)(C) Principal

Date challenged content discovered: August 6, 2014

☒ 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 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: Failure to provide access to school records under FERPA and copy of court order ordering violation.

Date of Violation: October 2013 to Present and ongoing

Date Violation Discovered if different from above: August 6, 2014

Other Relevant Information:

(Use this section to add any additional explanatory comments)

My daughter (b)(6); (b)(7)(C) was a new student at (b)(6); (b)(7)(C) School as of the 2013/14 school year.

Per The Family Educational Rights and Privacy Act (FERPA), I have made many requests for copies of my daughters quarterly report cards and school records beginning in October 2013, close to a year ago. As I live in Illinois it is not practical for me to come to the school. Illinois is the state where (b)(6); (b)(7)(C) was born, where custody was fought and where I remain.

I made numerous phone calls to (b)(6); (b)(7)(C) School and was always promised that the records and grade reports would be mailed, but they were never mailed and I was never contacted with an explanation as to why they were not mailed.

As of August 6, 2014, (b)(6); (b)(7)(C) (Principle) informed me that (b)(6); (b)(7)(C) mother provided the (b)(6); (b)(7)(C) School Superintendent, Patricia Duran, with a court order that stated that (b)(6); (b)(7)(C) School was to withhold (b)(6); (b)(7)(C)s school records from me, (b)(6); (b)(7) father, (b)(6); (b)(7)(C) refused to provide me the court order or even tell me the state from which it was issued. (b)(6); (b)(7)(C) received these instructions from Ms. Patricia Duran, Superintendent of Schools.

After I sent (b)(6); (b)(7) and Ms. Duran an e-mail stating that they were in violation of FERPA, they called (b)(6); (b)(7)(C) mother to produce more documentation (their words). At this point, (b)(6); (b)(7) gave them permission to send me what I requested.

In mid-August 2014, I was finally sent a copy of her report card, her PSAT scores, and her upcoming Fall class schedule. Per (b)(6); (b)(7)(C), I was only sent these items because (b)(6); (b)(7)(C) gave (b)(6); (b)(7)(C) permission and since (b)(6); (b)(7) had sole custody it was up to her discretion as to the records I am allowed to receive, when I am to receive them and all records sent will require (b)(6); (b)(7)(C) prior approval.

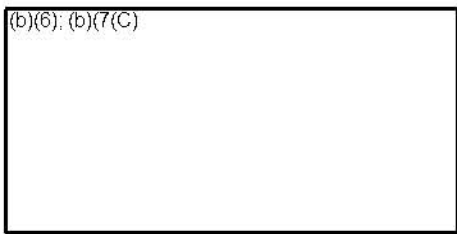
I sent them another e-mail stating that requiring sole, joint custody or (b)(6); (b)(7)(C) permission for me to receive my daughters records was a violation of FERPA. And I requested assurance that I would receive records in a timely fashion without these requirement. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) have failed to reply despite being in the office.

(b)(6); (b)(7)(C) and Ms. Duran appear to be under the mistaken impression that they need (b)(6); (b)(7)(C) permission to send me any records that I request.

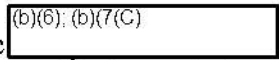
Yours Truly

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

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

A large rectangular box with a black border, used for redaction of information.

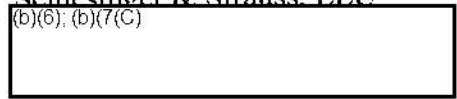
(b)(6); (b)(7)(C)

A small rectangular box with a black border, used for redaction of information.

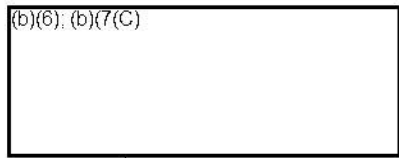
cc

Schlesinger & Strauss, LLC

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

A rectangular box with a black border, used for redaction of information.

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

A rectangular box with a black border, used for redaction of information.

Patricia Duran
P.O. Box 6360
Hermon, Maine 04402



August 15, 2014

VIA OVERNIGHT MAIL

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

R
BY:

D

RE: Data Security Breach
OPE ID Number: 01116100

Dear Sirs,

Pursuant to established protocol on reporting violations of the Family Educational Rights and Privacy Act and in my capacity as University Registrar and Compliance Office of Texas A&M University – Corpus Christi, I am providing the following for your information.

DATE OF BREACH

On July 31, 2014 a university email was sent out by an administrative assistant that included a FERPA protected data in error.

DESCRIPTION OF BREACH

On Thursday, July 31, 2014, a staff member of the College of Science and Engineering at (“CLSE”) Texas A&M University – Corpus Christi (“the University”) prepared an email regarding the cancellation of a class and attached a data file containing FERPA protected data on 10 students. (See attachment-1)

CURRENT STATUS OF THE BREACH INCIDENT

The discovery was made the same day by an academic advisor. The CLSE sent notification emails the following day to all recipients of the original email and sent paper notification letters to all the students on August 5, 2014. (See attachment-2)



OFFICE OF THE REGISTRAR

6300 OCEAN DRIVE, UNIT 5774
CORPUS CHRISTI, TEXAS 78412-5774
O 361.825.2624 • F 361.825.5887

The university is deeply concerned about this incident, and therefore acted aggressively and openly as possible to inform students that there could be a problem, despite the fact we did not have concrete evidence that personal data was further compromised. We believe the responsible thing to do was inform who could possibly be affected as quickly as possible via personal letter.

Please let me know if you have any questions or need additional information.

Sincerely,

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



Texas A&M University – Corpus Christi
FERPA Compliance Officer

DIS



Advancing Justice through Protection and Advocacy

September 16, 2014

Family Policy Compliance Office
Attn: Mr. Dale King, Director
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

Re: FEPPRA Complaint for (b)(6); (b)(7)(C) **(received by your office 8/19/14)**

Dear Mr. King:

Please see the attached copy of a letter sent to the V.I. Department of Education today concerning the status of our attempts to review (b)(6); (b)(7)(C) complete educational records.

Thank you for your assistance in this matter.

Sincerely,

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

Encls.

cc:

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

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

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

www.drcvi.org

"Disability Rights Center of the Virgin Islands is funded by the U.S. Department of Health and Human Services' Administration on Developmental Disabilities (ADD), and Center for Mental Health Services (CMHS); and the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research (NIDRR)." Equal Opportunity Program.

August 4, 2014

To Whom It May Concern:

I wish to file a complaint with FERPA Act on the ground that (b)(6); (b)(7)(C) public school in the (b)(6); (b)(7)(C) divulged information about my son, (b)(6); (b)(7)(C), school records to a nonconsensual person. On March 10, 2014 the Dean (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) confiscated a cell phone from my son (b)(6); (b)(7)(C) 15 years old during which time she went through the phone and found a contact labeled "Dad" she called this person requesting that he come in to the school to discuss (b)(6); (b)(7)(C) progress and behavior. The contact listed under "Dad" was not in fact (b)(6); (b)(7)(C) father, they contacted his maternal grandfather, a nonconsensual person, a person not listed on his "Blue Emergency Card". When a cell phone is confiscated in an educational facility, the member of the school whom has confiscated the cell phone should immediately place the confiscated item into a manila envelope, seal it and place into the school's safety lockbox until the parent or guardian is present to retrieve the confiscated item. They issued the cell phone to the Grandfather, at this time they still was unaware to whom they were reporting information to. At no time did they check the nonconsensual person identification to see if it had matched anyone listed on the Emergency blue card. On the following day, March 11, 2014, my actual father went into school where the Dean (b)(6); (b)(7)(C) discussed (b)(6); (b)(7)(C) grades, behavior, attendance and punctuality. (b)(6); (b)(7)(C) also attended this meeting, according to (b)(6); (b)(7)(C) and my father, (b)(6); (b)(7)(C) went into details about his work ethic in school and report cards mentioning (b)(6); (b)(7)(C) was failing a few classes, and various other incidents that occurred during the school year. (b)(6); (b)(7)(C) recalls leaving the meeting feeling embarrassed and humiliated. During no time did the school contact me regarding the confiscation of neither the cell phone nor that a meeting would be held with the person labeled "Dad" in the confiscated cell phone.

On March 12, 2014, I learned that such meeting had taken place. I was outraged and could not figure out why the school had not contacted me, especially given the fact both my husband and I attended a conference sometime in January of 2014. During this conference in January, we met with (b)(6); (b)(7)(C) and were given the opportunity to update all pertinent contact information on his "Blue Emergency Card" such as our email addresses, telephone numbers, and emergency contacts. I learned that the "Blue Emergency Card" was never retrieved hence breeching the Family Educational Rights and Privacy Act.

On March 12/13, 2014 I went into the school to discuss the school's violation of my son's confidentiality and privacy. An apology was offered but no discussion on future steps to ensure my sons right's would not be violated again should a stressful situation arises. The school acted extremely irresponsibly unaware of our family dynamic, this person could have been a child predator, abuser or an imposter. Fortunately this was not the case, I believe a law was broken; I trust that your agency will investigate to determine if any violations occurred and take a closer look at (b)(6); (b)(7)(C) mishandling of students and their school records.

Respectfully,

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

From: Brubaker, Bob (Flake)
To: OLCAFax
Subject: Constituent inquiry
Date: Monday, August 18, 2014 11:49:34 AM
Attachments: (b)(6); (b)(7)(C) PACE.pdf

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

Our constituent, (b)(6); (b)(7)(C) has requested that (b)(6); (b)(7)(C) remove his personal information from their directory, pursuant to FERPA. I am not sure if this falls under your jurisdiction, or if you have the ability to help (b)(6); (b)(7)(C) so I am sending you his signed privacy release as courtesy to our constituent.

Please let me know if you have any questions whatsoever.

Yours,

Bob Brubaker
Office of U.S. Senator Jeff Flake
Constituent Services
6840 N Oracle Rd, Ste 150
Tucson, AZ 85704
(520)-575-8633

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please forward it back to the sender and delete the original message and any copy of it from your computer system.

August 16, 2014

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



Re: Unauthorized Disclosure of Student Records

Dear Secretary of Education:

My husband and I are requesting an investigation into a violation of the Family Educational Rights and Privacy Act (FERPA), specifically the unauthorized disclosure of student's records as prohibited by 34 CFR § 99.30. The facts of this matter are outlined below.

Statement of Facts

1. Our son, (b)(6); (b)(7)(C) was enrolled in the Deer Valley Unified School District (DVUSD) on December 1, 2011, and received speech language services in accordance with an Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA).
2. On February 28, 2013, parent attended an IEP meeting with DVUSD personnel.
3. At this meeting, parents were aware that (b)(6); (b)(7)(C) DVUSD (b)(6); (b)(7)(C) made an audio recording on a DVUSD iPad.
4. Parents were not aware, however, that (b)(6); (b)(7)(C) DVUSD (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was also recording the meeting on her personal cell phone.
5. On April 23, 2013, parent attended another IEP review meeting with DVUSD personnel.
6. As before, parents were aware that (b)(6); (b)(7)(C) DVUSD (b)(6); (b)(7)(C) made an audio recording on a DVUSD iPad.
7. As before, parents were not aware that (b)(6); (b)(7)(C) DVUSD (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was also recording the meeting on her personal cell phone.

8. On November 27, 2013, parents filed a due process complaint against DVUSD and requested a complete copy of student's records for the hearing. Parents expected this copy to include the audio recordings made by (b)(6); (b)(7)(C) on both occasions, but the received copy of the student's record did not include any of the recordings mentioned above.¹
9. On December 3, 2013, parents filed a Public Records Request (PRR) to obtain emails from DVUSD personnel, including (b)(6); (b)(7)(C) DVUSD (b)(6); (b)(7)(C)
10. On January 16, 2014, the attorney for DVUSD, (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) located a copy of these audio files and provided them to parents through her assistant attorney, (b)(6); (b)(7)(C). Parents were expecting these recordings to be those made by (b)(6); (b)(7)(C) on the DVUSD iPad, as parents were unaware of any other authorized recordings.
11. On April 14, 2014, attorney (b)(6); (b)(7)(C) provided a portion of the DVUSD emails from the December 2013 PRR as part of the exhibit exchange for the due process hearing (the significance of these emails is described below).
12. The emails received on April 14, 2014, showed that the recordings provided by (b)(6); (b)(7)(C) on January 16, 2014, were the unauthorized recordings from (b)(6); (b)(7)(C) personal cell phone, and not from (b)(6); (b)(7)(C) DVUSD iPad.² The emails show that Ms. (b)(6); (b)(7)(C) retrieved the recordings from her iPhone and provided them to (b)(6); (b)(7)(C) who in turn provided them to (b)(6); (b)(7)(C).³ Most importantly, these emails confirm that these recordings were not copied from (b)(6); (b)(7)(C) cell phone until January 7, 2014, almost one year after they were made.
13. For the purpose of timeliness regarding this complaint, the receipt of the PRR emails on April 14, 2014, is the first time parents became aware that student's IEP meetings had been recorded on a personal cell phone by a DVUSD staff member.
14. On July 21, 2014, parents sent an email to (b)(6); (b)(7)(C) asking about the recordings on (b)(6); (b)(7)(C) personal cell phone. Specifically, parents asked (b)(6); (b)(7)(C) to provide a chain of custody for this cell phone so parents would know the extent of the exposure. Unfortunately (b)(6); (b)(7)(C) lied about these recordings and claimed that (b)(6); (b)(7)(C) told her they were corrupt and that no copies ever existed.⁴ As stated above, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were both aware that the copies provided to us were from (b)(6); (b)(7)(C) personal cell phone (the attached emails verify this).

¹ See Attachment 1.

² See Attachment 2.

³ See Attachment 3.

⁴ See Attachment 4.

In summary, the issue here is that a DVUSD employee improperly recorded our son's IEP meetings on her personal cell phone. These meetings are educational records that contain personally identifiable information and about my son's educational levels and his speech disability. These records existed for almost a year on a personal cell phone that neither the school district nor the parents were able to control or monitor. Furthermore, it is quite possible that these records still exist on this phone today. In addition, parents specifically asked for a chain of custody to know the extent of the exposure; we were refused this request and provided false information instead.

At this time we are requesting your assistance in the matters above. If you have any questions or concerns about this request, or if DVUSD provides contradictory information⁵, please feel free to contact me at your earliest convenience. Thank you.

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

Supplemental Attachments for FERPA Complaint:

- Attachment 1 - Emails between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) – that show (b)(6); (b)(7)(C) is specifically asking about these recordings being missing from student's record.
- Attachment 2 - Emails between (b)(6); (b)(7)(C) which show that recordings were on (b)(6); (b)(7)(C)'s cell phone.
- Attachment 3 - Emails between (b)(6); (b)(7)(C) that show records were successfully copied from (b)(6); (b)(7)(C)'s cell phone and sent to (b)(6); (b)(7)(C).
- Attachment 4 - Emails between (b)(6); (b)(7)(C) that show (b)(6); (b)(7)(C) lied about recordings being pulled from (b)(6); (b)(7)(C)'s cell phone.
- Attachment 5 - Emails between (b)(6); (b)(7)(C) – duplicate email mentions (b)(6); (b)(7)(C) to prove these emails are not about another student.

⁵ Because these emails are partially redacted, a duplicate email, Attachment 5, is included as well. This email is redacted differently and clearly shows our name in the email. This confirms that these emails are about our son and not another student.

August 28, 2014

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

11-11-14

Dear Sir/Madam,

I am writing to inform you of some serious civil rights violations and FERPA issues my son has been going through at (b)(6); (b)(7)(C) School (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) the Superintendent is Dr. Frederick Withum III. My son was enrolled as a (b)(6); (b)(7)(C) grade student during the 2013-2014 school year at this school. He has gone to this district since kindergarten. (b)(6); (b)(7)(C)

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

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

(b)(6); (b)(7)(C). I must explain that due to my son's disease's he is underdeveloped and testing showed at the time he had the bone growth of an 11 yr old, he was (b)(6); (b)(7)(C) months.

1. On January 17, 2014, my wife took my son to school and dropped him off. My son and 3 friends walked about 10 yards when the lady directing the buses told them couldn't leave the property, so all 4 boys turned around and walked into the school. They were attempting to go to the local (b)(6); (b)(7)(C) mini market before school. My son walks slow and the bus lady walked up to him and said she was taking him into the office to talk to the Principal on why he is not allowed to leave school property, she said nothing to the other 3 boys who are normally developed and walked ahead.
2. While in the school, the bus lady and two administrators started grabbing my son and saying he smelled like marijuana. My son walked to his locker where they continued to harass him. They called the police and my wife and I.

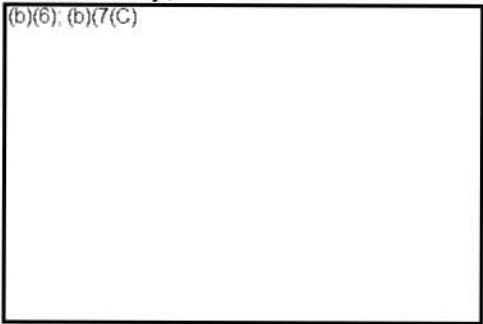
The rest of that day doesn't add much to the story but here is where it gets interesting and some attention needs paid to the details.

3. My son was charged by the police, at the schools request, with disorderly conduct. There were two police officers . They did not smell or even question anything about marijuana . My son was under the care, custody and control of my wife and the school personnel from the time he woke up. Additionally he was brought in front of the school board on April 1, 2014. On January 29, 2014 and April 6, 2014, I requested in writing for a copy of my son's complete school records including the video of the January 17, 2014 incident. I needed that video to defend my son at the disorderly conduct hearing and the school board hearing. The school to this date has not complied with this request.
4. On June 5, 2014 my son was found guilty of disorderly conduct as the Principal who was lying word was believed over my son.
5. On April 1, 2014, The school board threw out anything to do with marijuana or drugs as it was hearsay and not a bit of proof. They did however expel my son because they said they could not tolerate him pushing and shoving school personnel, he was not even 100lbs and growth of an eleven year old.
6. The school board hearing was recorded. We received a copy of the audio recording.
7. Some time later we received a copy of the school board resolution adopting the decision from the meeting and it wasn't even close to what was judged in the hearing. The school board signed the resolution without reading it. , the Administration prepared the resolution for the school board and wrote it up the way they wanted to. It states that as a matter of law and facts he smelled of marijuana, bought pills and other items the board threw out as untrue and unsupported. The school board expelled my son due to the administrations accusations that he was pushing and shoving them.
8. On July 15, 2014 The Director of Education for CV and their Attorney, my wife and I, and my son's educational advocate Attorney, were finally permitted to review the video of January 17, 2014. This video without question showed that my son did no pushing and shoving and in fact was assaulted by two principals and the bus guard.
9. Since we were not given the video, which I contend is part of his educational records, he has been expelled and received a disorderly conduct charge due to the lies of those who assaulted him.

10. In closing , I am requesting that we should be given a copy of the video as part of my son's educational record. Also that the school board resolution be redone to reflect the true facts and judgement of the school board hearing, which is evidenced by the audio recording of the April 1, 2014 hearing. The withholding of the video evidence and the improper information in the school board resolution has caused my son life devastating harm. To wit, expulsion, criminal record not to mention the lack of education, demoralizing behavior by the administration and being singled out just to name a few. All of this can be corrected by the video being released and the school board and administration correcting the records. There would have been no expulsion or charges. These inaccurate issue are a matter of his educational records and need corrected for perpetuity.

Sincerely,

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





**Family Educational Rights and Privacy Act (FERPA)
Complaint Form**

1. Name and address of parent or eligible student filing complaint ("Complainant"):

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

2. Complainant's daytime telephone number:

Home Landline:

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

Mobile:

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

3. Name and age of student whose education records are subject of this complaint:

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

Age:

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

4. Name of educational agency or institution (include name of specific school district, State educational agency, or postsecondary institution that is the subject of the complaint):

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

(Continued on next page.)

5. Name, title, address, and telephone number of chief school officer (superintendent of district, president of university):

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

6. Names and titles of school officials involved in complaint:

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

Clinical Coordinator.

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

- 7(a). If you have been denied access to education records: Provide the specific nature of the records, the date on which you requested access, the name of the official to whom you made the request, and any responses received.
- 7(b). If you or your child's education records have been improperly disclosed: Provide the date on which the records were disclosed or the date you learned the records were disclosed, the name of the school official who disclosed the records (if known), the specific nature of the records disclosed, and to whom the records were disclosed.

As an enrolled student of the (b)(6); (b)(7)(C) **Vascular Sonography Program, I have been required to complete a weekly entry to my clinical course online Student Clinical Progress**

Forum. This required forum contains private course material regarding course activities, related to my clinical experience, to be evaluated and graded by the course instructors. It was specifically monitored by (b)(6); (b)(7)(C) RVS, Clinical Coordinator for the Vascular Sonography Program, (see attached forum information) On April 24, 2014, I received an online text message from a classmate, (b)(6); (b)(7)(C), asking me if I had ever used my progress forum as a journal and had I written in the forum "I probably shouldn't be using it as a journal". (See attached text from my phone messaging app) This is private, graded material I had written on my student clinical progress forum. The contents of the forum, coursework upon which course grades are determined, is not accessible to anyone other than course instructors and me. It is private, electronic communication regarding course progress which is maintained at the online course website. It is accessed by secure login ID. I replied to (b)(6); (b)(7)(C) inquiry with, "something like that", and then asked how she knew I had said that. (b)(6); (b)(7)(C) told me that my forum information had been revealed to her and another student. Later, I learned that it was (b)(6); (b)(7)(C), Clinical Coordinator, who had revealed the information to (b)(6); (b)(7)(C) and another student who was present, (b)(6); (b)(7)(C). I immediately realized that a breach of confidentiality had occurred and my private, graded material had been improperly disclosed for the sole purpose of ridiculing and mocking me before classmates. This was not the first time that my private information had been shared with other students. As a former employee of a major university who has received FERPA, FOIA, and HIPAA training, I have a long history of working with confidential Human Resource, Patient, and Student information. I am appalled by the lack of respect for confidential student information that I, and at least one other student, have experienced at (b)(6); (b)(7)(C) by members of the Vascular Sonography Program. There has been a demonstrated lack of respect for confidential information and a desire to harm students.

I have been embarrassed, harmed, and my right to privacy has been violated. If this is allowed to continue, the consequences for other students could be more serious. I wish for this matter to be investigated by your office and corrected, please. I believe the staff and faculty of the Allied Health Department at (b)(6); (b)(7)(C) require additional FERPA training so that other students will not suffer needlessly.

7(c). If you are seeking to amend education records: Provide the nature of the record you are seeking to amend, what exact information in the record you wish to amend, the date you submitted a request to amend, the name of the official to whom you made the request, and any responses received.

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

None, to date.

9. Complainant's signature:

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

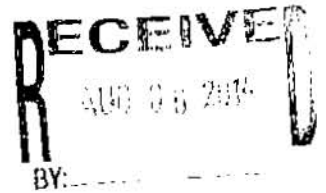
Date:

8/4/2014



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

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



Date: August 1, 2014

To: Dalc King, Director, Family Policy and Compliance Office, Office of Management

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

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

Subject: OIG Hotline Operations Complaint # 14-207501

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

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

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

Lisa Foster
Special Agent in Charge
Headquarters Operations
202-245-7058

Melissa Hall
Hotline Analyst
OIG Hotline
202-245-7049
melissa.hall@ed.gov

Millie Coles
Hotline Analyst
OIG Hotline
202-245-7031
millie.coles@ed.gov

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

Department of Education

14-207501



WEB HOTLINE COMPLAINT

COMPLAINANT CONTACT INFORMATION

Date Received 08/01/2014

I wish to remain

Salutation

Ms.

Contact Name

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

Institution

Mailing Address

Home Phone

Work Phone

Other Phone

Email Address

Social Security #

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

ALLEGED VIOLATOR

Allegation made concerning

Lender (Student Loan)

Subject of Allegation

SC Student Loan-Privacy was violated

Violator Address

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

Social Security #

Entity/Institution

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

Institution Address

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

School ID (if known)

Employer

Is your allegation related to funds from ARRA (Stimulus plan) of 2009?

No

Which best describes the subject of your allegation?

Employee Misconduct

WEB HOTLINE COMPLAINT

Allegation Description

An employee (b)(6); (b)(7)(C) accessed my account, screen printed my information, copied it and gave it to attorney and other people. I had spoke with (b)(6) Student loan previously regarding my concerns for my privacy (this is my ex mother in law) in regards to her having access to my account and they assured me that putting a password on my account would stop anyone from accessing the information. However, the screen shots obtained have all my personal data- name, address, dob, social, and the password I created. My information was copied and given to other people and taken out of her office and the building. The (b)(6) Student Loan office tells me that this will no longer be an issue now that I have changed my password but what good does a password do me when she can access my account, and the password is listed? The information on the screen shot she has is enough for identity theft and for someone to open and create accounts in my name as well as other things. How am I to trust that my information is protected there in their office? I know that a third party has received copies of this information but who else has she given it to? Or who else's accounts has she accessed and copied information for?

(b)(6); (b)(7)(C) her copying the page gave him and his attorney all of my contact information again which endangers myself but also my two children. They have my attorney's information which protects me and my children but if she continues to access and give out my information it could mean a very bad situation for my family.

I am concerned with my privacy being violated considering that (b)(6) Student Loan did not protect my information even after I notified them of the possibilities of her accessing my account. Also concerned with the fact that when they told me I just needed a password to protect my account that she had access to that password which she then gave out along with all of my other information.

How am I supposed to trust that my information is safe with them or their office? I have copies of the screenshots that were made, taken out of the office and given to others. No subpoenas were filed or made in regards to getting my information from this office.

August 25, 2014

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

Re: Disclosure of personally identifiable information on students' performance
Class Name: (b)(6); (b)(7)(C) Professional Practice Experience III (now known as (b)(6); (b)(7)(C))
(b)(6); (b)(7)(C) Maryland

Dear U.S. Secretary of Education:

I am writing to you as a student of (b)(6); (b)(7)(C), Maryland to complain about what happened during Spring 2014 semester. I was made very uncomfortable by the way Instructors announced names of students and revealed their performance on external national licensing exams on Blackboard and Facebook [\(b\)\(6\); \(b\)\(7\)\(C\)](https://www.facebook.com/(b)(6); (b)(7)(C))

You see, in order to take an external national exam like the RHIT, students must pay an outside agency to register (secure a "seat") and "score" at least 300 points to pass this exam. We were pressured to write our names and dates on an "RHIT Exam Date Board" toted to class meetings for all to see. In a series of Announcements in March and April 2014, Instructors revealed who "passed" the RHIT and CCA on BlackBoard and on Facebook. Now everyone in the class knows who got at least 300 points. Inversely, everyone in class can figure out who "failed" or worse -- who will get an "Incomplete" for not "sitting" prior to finishing coursework or graduation or both.

In reporting these incidents for investigation of FERPA compliance, I enclose screenshots of what everybody in the class saw.

I understand that FERPA complaints must be made within 180 days of when the alleged infraction was discovered (not necessarily when the alleged infraction occurred).

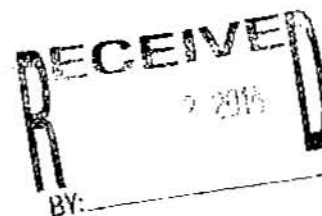
If you find that FERPA violations did occur, then please accept this letter as a formal written complaint against this practice by (b)(6); (b)(7)(C)

Sincerely,

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

Enclosures: Screenshots from BlackBoard and (b)(6); (b)(7)(C) Facebook page

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



August 26, 2014

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

To Whom It May Concern:

Eight years ago, I inadvertently used the student ID numbers of several parents who used (b)(6); (b)(7)(C) Child Care Center. The use came about in a single letter where, from a list of students' names, I did not "see" the ID numbers. I had no criminal intent and my oversight in using them did not---as of these eight years later---inflict harm. Immediately after learning my error, I contacted each student and I apologized. I further offered to reimburse the College for the expense of replacing ID numbers for the students who requested them. My supervisor, (b)(6); (b)(7)(C), Director of Admissions and Guidance Services, wrote a letter of reprimand----my first and only reprimand since I began teaching in 1972.

My question to you: I am now requesting to remove this letter from my personnel file. I have exemplary evaluations from six years of high school teaching and 36 years of work as both an administrator and faculty member at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

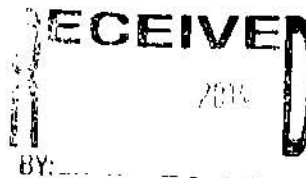
From reading documents from the U. S. Department of Education regarding FERPA regulations, I cannot find any guidelines that address my question. I would invite you, if it is proper, to contact my supervisor and the vice president and the president of (b)(6); (b)(7) to discuss this issue. I have enclosed a copy of my resume for your information.

Thank you.

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

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

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



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

Re: Inadvertent FERPA violation at (b)(6); (b)(7)(C)

Dear Mr. King:

I write on behalf of (b)(6); (b)(7)(C) in Charlotte, North Carolina. We recently experienced an inadvertent FERPA violation. The purpose of this letter is to let you know what happened, and what we are doing to ensure it does not happen again. We hope this information will be of assistance in the event an affected student files a complaint with your office.

On July 3, 2014, a staff member emailed a flyer about a co-op learning opportunity to about 100 students in the Interior Design department. The staff member also mistakenly attached a spreadsheet to the email containing student names, ID numbers, and other personally identifiable information.

Immediately upon discovering this mistake, the College took the following actions:

- An attempt to recall the emails was made on July 3, 2014.
- Each student was contacted individually by a college official to notify them of the disclosure and the remedial steps taken by the College.
- The employee and all related departmental employees completed additional FERPA training.
- Administrators advised staff on best practices when sending mass emails.
- All front-line support staff members were reminded to continue checking student photo ID's before releasing non-directory information.
- Procedures for providing access to student databases were reviewed.
- FERPA awareness articles are published weekly in the College's internal newsletter.
- (b)(6); (b)(7) participate in on-going professional development to stay abreast of FERPA law.
- A (b)(6); (b)(7) record detailing this occurrence is on file at the College.

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

(b)(6); (b)(7)(C) College is a FERPA education leader in North Carolina. The College developed online trainings, created brochures, sponsored an annual Awareness Month, and hosted a series of presentations for staff and colleges across the State. (b)(6); (b)(7)(C) director of the United States Department of Education's Family Policy Compliance Office, was the keynote speaker for the presentations.

(b)(6); (b)(7)(C) remains committed to maintaining the privacy of its students. Please do not hesitate to contact me if you have any questions about this unfortunate occurrence or if anything else is required of us at this time.

Thank you,

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

Vice President, Enrollment and Student Services

July 01, 2014

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

RECEIVED
BY:

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

Dear Sir/Madam:

I am writing this letter in regards to my son, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) attends (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) located in (b)(6); (b)(7)(C) GA. He has been enrolled in this same school system for eight years. He has never been retained and almost always makes good grades.

In Kindergarten, the teacher couldn't understand why (b)(6); (b)(7)(C) who was at the time 5 years old; could talk to the child seated next to him and still give the correct answer to the question he was asked. From that point, the problems started. (b)(6); (b)(7)(C) would be sent the office for little things such as talking, horse playing, and claims of him not doing his work. The school administrators asked me if he had ever seen the doctor for possibly having ADHD, and my answer was "no." I took (b)(6); (b)(7)(C) to his doctor, whom stated that (b)(6); (b)(7)(C) had a mild case of ADHD, but not enough to be medicated. From second grade up until sixth grade, I have been harassed by the school about medicating (b)(6); (b)(7)(C) sending him to a school for troubled kids called "(b)(6); (b)(7)(C)", and even been told that when (b)(6); (b)(7)(C) enters into the sixth grade, there is nothing I can do about what the school does to him. I can't go to work without constantly being called and told to come pick (b)(6); (b)(7)(C) up because he's not doing his work, or he's talking in class. Teachers have accused (b)(6); (b)(7)(C) of stealing snacks from the teacher's desk, but when asked what (b)(6); (b)(7)(C) took, the teacher couldn't give a direct answer. I began to write (b)(6); (b)(7)(C) name on his snacks from that day and the accusation of stealing never surfaced again. In 4th grade, he was threatened by a teacher and nothing was done. The teacher told (b)(6); (b)(7)(C) to get out of her room before she hurt him and have to go to prison. He was once given OSS for sneezing and sniffing his nose and looking out the window. While in the 7th grade, he was placed in Alternative School for chewing gum, eating in the classroom and talking in class. He was also kicked off the bus for killing a bee that was about to sting another student. While other kids get away with these things, (b)(6); (b)(7)(C) gets kicked out of school. He has been given ISS or OSS each year that he has attended school.

This past year, (b)(6); (b)(7)(C) was in the (b)(6); (b)(7)(C) grade here at (b)(6); (b)(7)(C) School where he was falsely accused by some other boys of giving them marijuana. From day one, (b)(6); (b)(7)(C) told school administrators and the police that he had nothing to do with drugs or those little boys. He was questioned and searched by police and nothing was found in his possession. The school administrators refused to believe anything (b)(6); (b)(7)(C) told them, and he was then kicked out of school again; this time for 10 days pending a tribunal. The tribunal was held 2 weeks later, and (b)(6); (b)(7)(C) was then placed in

Alternative School again. On May 22, 2014, (b)(6); (b) attended court, the judge heard the case, and it was then proven that the other boys were lying the entire time. The case against (b)(6); (b) was dismissed, but the school refuses to allow him to return to the regular classroom setting. I have been told by other students that teachers are constantly picking on (b)(6); (b) and accusing him of things that other students are doing or have done. Other teachers see the harassment, but are afraid to say anything for fear of losing their job. I am writing this letter because as stated earlier, (b)(6); (b) has been labeled since Kindergarten and I need for this to stop. . Yes, this is a town where it's not about what you know, but who you know. Yes, this is the South and little has changed. There are kids at the school who get away with major offenses and nothing happens to them because their mom or dad works at the school or they have a certain last name. There have been white kids who were actually caught with drugs in their possession, but they remain in the regular class setting. (b)(6); (b) can talk too loud and he gets sent to the office. Other kids can run through the halls screaming and their told to quiet down. I am not the only parent with complaints about this school system or the way it's being run. I am far from prejudice, but there are black kids who maintained an 89.8 average and were supposed to be honor graduates. They were told by school administrators that their grades couldn't be round up. If the rules in the handbook state zero tolerance for students, then it should apply to all students.

(b)(6); (b) and I have been going through this harassment for eight years and I have had enough. I believe that not only have (b)(6); (b) rights as a student been violated, but also his right to be educated without being labeled. As his parent, my rights have also been violated because I can't go to work without being called to pick him up because he laughed too loud in class or because he got out of his seat. May I remind you that he has never been retained but has always been accused of not doing his work. Also, if (b)(6); (b) had the behavior problems in which the school claims he has, his grades would reflect their claims. Again, I am filing this complaint because I believe both our rights have been violated.

Thanks in advance for your attention towards this issue. I may be contacted at (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) You can also reach me at my email address at: (b)(6); (b)(7)(C)

Cordially,

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

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

RECEIVED

3Y:-----

Dear FERPA Compliance Official:

This is an anonymous letter to recommend a review of the FERPA practices of The (b)(6); (b)(7)(C) campus located in Washington State serving (b)(6); (b)(7)(C) students. The (b)(6); (b)(7)(C) program office for this satellite campus is on site at the (b)(6); (b)(7)(C) company in the (b)(6); (b)(7)(C) WA. The office is shared between five (b)(6); (b)(7)(C) employees and one Direct (b)(6); (b)(7)(C) Employee working for a (b)(6); (b)(7)(C) Global Citizenship department which has nothing to do with (b)(6); (b)(7)(C) Tech. But, the office space is very small with cubes in very tight quarters so all employees can hear all telephone and in person meeting conversations discussing private student data.

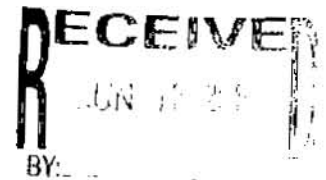
Here are some topics for review:

1. Private student data being shared with the (b)(6); (b)(7)(C) non-(b)(6); (b)(7)(C) Tech employee weekly and sometimes daily as the phone calls come in and in person meetings are held in the office. There are no student FERPA sign off letters on file for the (b)(6); (b)(7)(C) employee to be hearing all about the private student data for potential hundreds of students per term. The office is so small that this non-authorized person for hearing the private student data throughout the day can hear every conversation. Any other people who happen to walk in to the office like the (b)(6); (b)(7)(C) front office receptionist (non-(b)(6); (b)(7)(C) Tech employee) typically comes into the office daily would be able to potentially over hear confidential student data information through phone and in person meetings in the office. Other (b)(6); (b)(7)(C) visitors also walk in randomly that would be able to hear. Also, all of the (b)(6); (b)(7)(C) Tech employees can overhear everyone in the office due the very small space.
2. Practice of teachers using email to send grades to students and the administration. Some employees have tried to remind the teachers not to do this but for some teachers, they seem to keep doing it for years.
3. Practice of emailing course schedule out to a distribution list of potentially hundreds of active and non-active students typically 3 - 5 times per week. The schedule spreadsheet includes the students name, email address, what class they registered for, the date and time of the class, location, class meetings etc. The students do sign a release form indicating they don't mind if other students see their registration data. The email distribution list is much larger however than just the 100 - 200 active students registering in a given term. There could potentially be a large number of students

getting the message that don't register or have not registered in a long time that have access to other students data.

Thank you for your time in reviewing this matter.

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



Dear FERPA Compliance Official:

This is an anonymous letter to recommend a review of the FERPA practices of The (b)(6); (b)(7)(C) campus located in Washington State serving (b)(6); (b)(7)(C) students. The (b)(6); (b)(7)(C) program office for this satellite campus is on site at the (b)(6); (b)(7)(C) company in the (b)(6); (b)(7)(C) WA. The office is shared between five (b)(6); (b)(7)(C) employees and one Direct (b)(6); (b)(7)(C) employee working for a (b)(6); (b)(7)(C) Global Citizenship department which has nothing to do with (b)(6); (b)(7)(C) Tech. The Direct (b)(6); (b)(7)(C) employee who has nothing to do with (b)(6); (b)(7)(C) Tech shares the same (b)(6); (b)(7)(C) property copy/fax/printer machine and it's not uncommon for sensitive private student data documents containing things like student grades to be on the printer in view for non-(b)(6); (b)(7)(C) Tech employees to see. Other non-(b)(6); (b)(7)(C) Tech students and employees also use this copy/fax/printer and can sometimes have the opportunity to see the same type of sensitive private student data. Also, the office space is very small with cubes in very tight quarters so all employees can hear all telephone and in person meeting conversations discussing private student data.

Here are some topics for review:

1. Practice of teachers using email to send grades to students and the administration.
2. Private student data about such things as grades and degree audits with all course grades can be viewed by non-authorized non-(b)(6); (b)(7)(C) Tech employees by working in a shared (b)(6); (b)(7)(C) office on (b)(6); (b)(7)(C) property and sharing a printer/fax/copy machine with a direct (b)(6); (b)(7)(C) employee who doesn't work for (b)(6); (b)(7)(C) Tech or have any permission to see private student data on a regular basis. The (b)(6); (b)(7)(C) employee will go to the printer to pick up her own documents and runs across private student data documents from (b)(6); (b)(7)(C) Tech on a regular basis. Sometimes students come in to use the same copy machine/printer and previous sensitive student data was left on this (b)(6); (b)(7)(C) owned and (b)(6); (b)(7)(C) property machine and so other students can run across other students private data on the machine. Private student data being shared with the (b)(6); (b)(7)(C) Tech employee weekly and sometimes daily as the phone calls come in and in person meetings are held in the office. There are no student FERPA sign off letters on file for the (b)(6); (b)(7)(C) employee to be hearing all about the private student data for potential hundreds of students per term. The office is so small that this non-authorized person for hearing the private student data throughout the day can hear every conversation. Any other people who happen to walk in to the office like the (b)(6); (b)(7)(C) front office receptionist (b)(6); (b)(7)(C) employee) typically comes into the office daily would be able to potentially over hear confidential student data information through phone and in person meetings in the office. Other (b)(6); (b)(7)(C) visitors also walk in randomly that would be

able to hear. Also, all of the (b)(6), (b)(7)(C) Tech employees can overhear everyone in the office due the very small space.

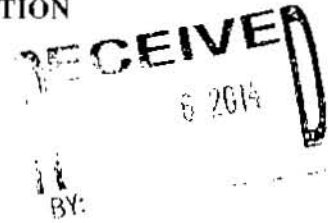
3. Practice of emailing course schedule out to a distribution list of potentially hundreds of active and non-active students typically 3 - 5 times per week. The email distribution list also contains Alumni from the school who would not have a need to know about what other student's data is. A regular schedule with no student data is always available on the (b)(6), (b)(7)(C) Tech website to it's not necessary for Alumni to have the personal student data emailed out almost every day to the email distribution list. In addition, some of the Adjunct Faculty are on the email distribution list who might not be teaching at all during a particular term but they will be receiving student data for students they don't have a need to know about. In addition when the Adjunct Instructor is teaching, they typically only teach one class with less than 10 students but the schedule usually has data for hundreds of different students with 100 - 300 registrations listed. There is not a need to know for all of this data. The release form that students sign to share data may not be totally specific about all parties involved who are viewing this information. The schedule spreadsheet includes the students name, email address, what class they registered for, the date and time of the class, location, class meetings etc. The students do sign a release form indicating they don't mind if other students see their registration data. The email distribution list is much larger however than just the 100 - 200 active students registering in a given term. There could potentially be a large number of students getting the message that don't register or have not registered in a long time that have access to other students data.

Thank you for your time in reviewing this matter.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

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



Date: June 12, 2014

To: Dale King, Director, Family Policy and Compliance Office, Office of Management

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

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

Subject: OIG Hotline Operations Complaint # 14-204923

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

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

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

Lisa Foster
Special Agent in Charge
Headquarters Operations
202-245-7058

Melissa Hall
Hotline Analyst
OIG Hotline
202-245-7049

Millie Coles
Hotline Analyst
OIG Hotline
202-245-7031
mfc@ed.gov

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

Department of Education

14-204923



WEB HOTLINE COMPLAINT

COMPLAINANT CONTACT INFORMATION

Date Received 05/24/2014

I wish to remain

Salutation

Contact Name

Institution

Mailing Address

Home Phone

Work Phone

Other Phone

Email Address

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

Social Security #

ALLEGED VIOLATOR

Allegation made concerning

Institution/School Name

Subject of Allegation

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

Violator Address

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

Social Security #

Entity/Institution

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

Institution Address

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

School ID (if known)

Employer

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

Is your allegation related to funds
from ARRA (Stimulus plan) of 2009?

No

Which best describes the subject of
your allegation?

Mismanagement

WEB HOTLINE COMPLAINT

Allegation Description

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

Dear FERPA Compliance Official:

This is an anonymous letter to recommend a review of the FERPA practices of The (b)(6); (b)(7)(C) campus located in Washington State serving (b)(6); (b)(7)(C) students. The (b)(6); (b)(7)(C) program office for this satellite campus is on site at the (b)(6); company in the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) WA. The office is shared between five (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) employees and one Direct (b)(6); (b)(7)(C) Employee working for a (b)(6); (b)(7)(C) Global Citizenship department which has nothing to do with (b)(6); (b)(7)(C) Tech. But, the office space is very small with cubes in very tight quarters so all employees can hear all telephone and in person meeting conversations discussing private student data.

Here are some topics for review:

1. Private student data being shared with the (b)(6); (b)(7)(C) non-(b)(6); (b)(7)(C) Tech employee weekly and sometimes daily as the phone calls come in and in person meetings are held in the office. There are no student FERPA sign off letters on file for the (b)(6); (b)(7)(C) employee to be hearing all about the private student data for potential hundreds of students per term. The office is so small that this non-authorized person for hearing the private student data throughout the day can hear every conversation. Any other people who happen to walk in to the office like the (b)(6); (b)(7)(C) front office receptionist (b)(6); (b)(7)(C) employee) typically comes into the office daily would be able to potentially over hear confidential student data information through phone and in person meetings in the office. Other (b)(6); (b)(7)(C) visitors also walk in randomly that would be able to hear. Also, all of the (b)(6); (b)(7)(C) employees can overhear everyone in the office due the very small space.
2. Practice of teachers using email to send grades to students and the administration. Some employees have tried to remind the teachers not to do this but for some teachers, they seem to keep doing it for years.
3. Practice of emailing course schedule out to a distribution list of potentially hundreds of active and non-active students typically 3 - 5 times per week. The schedule spreadsheet includes the students name, email address, what class they registered for, the date and time of the class, location, class meetings etc. The students do sign a release form indicating they don't mind if other students see their registration data. The email distribution list is much larger however than just the 100 - 200 active students registering in a given term. There could potentially be a large number of students getting the message that don't register or have not registered in a long time that have access to other students data.

Thank you for your time in reviewing this matter.

The original complaint I sent to (b)(6); (b)(7)(C) in late June 2013 was stamped July 2 2013 and returned with an information packet including questions. This document provides the further information requested.

1. Name and address of Complainant:

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

2. Complainant's phone:

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

3. Name and age of student whose education records are subject of complaint:

(b)(6); (b)(7)(C) years old

4. Name of educational institution:

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

Doctoral Program in Biology

5. Name, title, address, telephone of chief school officer:

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

Interim President of (b)(6); (b)(7)(C)

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

6. Name and title of school official involved in complaint:

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

Executive Officer Biology Doctoral Program

7(b.) If your education records have been improperly disclosed: Provide the date you learned the records were disclosed, the name of the school official who disclosed the records, the specific nature of the records disclosed, and to whom the records were disclosed.

I was told in an email from (b)(6); (b)(7)(C) in early September 2013, which can be provided if necessary, that she had sent my written Executive Committee Appeal to three of my personal doctoral committee advisors. These advisors were each named in the Appeal in complaints regarding their treatment of me as a student with a disability. The Appeal document also contained personal medical information related to my disability which had been necessary to request more time to finish my degree. The Appeal document was written specifically for the Biology Executive Committee. It was understood that this Committee is separate from and above my personal Advisory Committee, that is the reason for submitting appeals to the higher committee. I did not give permission for, or even know of my personal information being sent to my personal advisory committee.

The result of this document being disclosed has been to irrevocably damage my working relationship with those three advisors and led to a job loss in January 2013. Yet, the same individuals inappropriately given my personal document retain power over me and my ability to finish my degree. Even though I have now been given permission by the Provost to continue my work, I do not have advisors I feel personally safe working with or trust to be unbiased towards my work. Despite direct requests to the Provost, the Biology Department, and Disabilities Student Services, (b)(6) Graduate

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

Center continues to completely ignore the situation (b)(6); (b)(7)(C) created, not allowing me to name new unbiased advisors and progress in my studies. There is more detail about the effects of Dr. (b)(6); (b)(7)(C) action in the letter included with this document.

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

Beginning in May of 2012 and ongoing through March 2013 I was directed to and followed the internal grievance and appeals process of (b)(6) Graduate Center regarding Disabilities Rights violations and wrongful termination from my degree program. I was working closely with (b)(6) Graduate Center's Services for Students with Disabilities. The specific event I believe to be a FERPA violation occurred in September 2012. I expressed concern about what happened and was advised by the (b)(6) Graduate Center Student Affairs Office to include the grievance in the next appeal, to the Provost, where I was told it would be addressed. I included the grievance in my appeal to the Provost in late January 2013. The results of that appeal were received March 15, 2013.

As I followed the internal (b)(6) procedures, I was never informed and remained unaware that it was possible or necessary to file complaints directly with the Department of Education. The stages of my internal appeals at (b)(6) Graduate Center can be documented. I understand from the website that complainants are encouraged to try to work within any internal grievance system and that those efforts justify a delay in filing the complaint with the Department of Education. The final stage in the (b)(6) appeal system is the Provost's Committee; the results were received in March of 2013. After receiving the results from the Provost's Committee, which completely ignored the event I understand to be a FERPA violation, I filed a detailed complaint with the Department of Education Office for Civil Rights in April 2013, within the time limit for such complaints. After reviewing all of the complaints, the representatives from the Department of Education OCR advised me in a letter received mid-June 2013 to refer this specific event to (b)(6); (b)(7)(C) at the Family Policy Compliance Office. I did so and that office stamped my original letter received July 2 and returned it with an information packet and request for more information. This document provides the further information requested.

9. Complainant's signature

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

Date

7-12-2013

December 13, 2014

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

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

To Whom It May Concern:

I am writing to follow up on a previous complaint filed in June, 2014 against (b)(6); (b)(7)(C) School in Austin, Texas. My grievance included all the required elements, except a phone number, which I provided at your request in July, 2014. I have since not received any confirmation of receipt of that information or request for additional information. Can you please provide an update as to the status of the investigation? Again, if you need additional information or have any further questions, please feel free to contact me. I look forward to hearing from you soon.

Sincerely,

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

June 3, 2014

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

RECEIVED
BY: _____

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

To Whom It May Concern:

I am writing to file formal complaints regarding FERPA violations committed by teachers, administrators and the Board of Directors at (b)(6); (b)(7)(C) School, an open-enrollment charter school located at (b)(6); (b)(7)(C). I have outlined below the specific violations. Additional supporting documentation is enclosed.

My son (b)(6); (b)(7)(C) attended (b)(6); (b)(7)(C) School for most of the 2012-2013 school year. He received special education services with the eligibilities of Autism, ADHD, and a Speech Impairment. He was assigned to a self-contained classroom for the majority of his day. On September 25, 2012, I was called to pick him up early from School. During the phone conversation, the Student Services Director (b)(6); (b)(7)(C) informed me that she had video-recorded my son "having a meltdown" on her cell phone. I objected and emphasized (b)(6); (b)(7)(C) extreme fear of cameras. I later emailed her to provide a written objection to (b)(6); (b)(7)(C) being video-recorded. She assured me (b)(6); (b)(7)(C) would not be video recorded again.

There were a number of other concerns throughout the year regarding restraint and FAPI; then (b)(6); (b)(7)(C) informed us on April 3, 2013 that his Special Education teacher (b)(6); (b)(7)(C) had picked him up, squeezed him and slammed him down in a chair, making his lip bleed. We reported concerns to administrators twice and they did not act. On May 3, 2013 I arrived early to pick up (b)(6); (b)(7)(C) from school and walked into the self-contained classroom to find (b)(6); (b)(7)(C) screaming at him and throwing a chair. I immediately withdrew (b)(6); (b)(7)(C) from the school. The Superintendent Cinnamon Henley conducted an internal investigation into teacher and administrative conduct. She cited teacher misconduct but did not hold administrators accountable for dismissing our previous concerns. We appealed the administrative determination to the Board of Directors.

(b)(6); (b)(7)(C) father and I met with the Board of Directors on June 18, 2013 for a hearing in closed session. We returned for the board determination on August 27, 2013. The board upheld the Superintendent's determination and we discussed our grievance and objections before presenting the board with a written response. At no time were we under the impression that this was being held in open session, particularly given the delicate nature of the matter.

The minutes from the August 27 meeting were posted on the school's website. The school published my name along with information about our grievance and our response to determination.

Violation 1:

The school board published personally identifiable information about my son and confidential details pertaining to our grievance. I did not consent to the school releasing this information. The board minutes are enclosed.

On July 19, 2013 I emailed the Superintendent Cinnamon Henley and Board of Directors (b)(6); (b)(7)(C) to request (b)(6); (b)(7)(C) complete school record from (b)(6); (b)(7)(C) School. Records were also requested from (b)(6); (b)(7)(C), Student Services Director. The records provided to me on August 7, 2013 from the front office manager (b)(6); (b)(7)(C) were incomplete. Additionally, at that time, I did not receive, nor was I aware of any photographs the school had maintained of my son. In November 2013, our legal counsel at the time also requested all of (b)(6); (b)(7)(C) records from (b)(6); (b)(7)(C) School. (b)(6); (b)(7)(C) School provided records that also included a CD of 162 pictures, meant to be images of (b)(6); (b)(7)(C). All 162 images were of another child from the same self-contained classroom. (b)(6); (b)(7)(C) was in a great deal of these photographs, but with his face blurred out. We informed (b)(6); (b)(7)(C) School on December 20, 2013 that they had furnished 162 photos of the wrong child and requested the images of (b)(6); (b)(7)(C). The school did not respond. On February 17, 2014, after multiple requests, the school replied that it did not have any photos of (b)(6); (b)(7)(C). We know this to be false because (b)(6); (b)(7)(C) was in so many of the previously furnished images. To date, the school has not complied with our request and has been dishonest about the existence of such photos.

Violation 2:

(b)(6); (b)(7)(C) School refuses to furnish requested images of (b)(6); (b)(7)(C) continuing to deny us access to this. Additional documentation is enclosed.

Beginning in December 2013, our counsel at the time also began requesting that (b)(6); (b)(7)(C) School furnish any additional videos they may have recorded of (b)(6); (b)(7)(C). The school refused to provide any actual video recordings. In February 2014, after multiple requests, the school's counsel finally submitted a list of video recordings with a vague, 1-2 sentence description of each video recording. According to the video list, (b)(6); (b)(7)(C) School had subsequently video recorded (b)(6); (b)(7)(C) at least 6 more times after we expressly objected in writing to the video recording on September 25, 2012, citing (b)(6); (b)(7)(C) extreme fear of cameras and the anxiety and aggression it causes. In one of these videos, (b)(6); (b)(7)(C) is described as pushing the person holding the camera. To date (b)(6); (b)(7)(C) School will not provide the actual dates of these recordings, the name of the person video recording, the format of the recordings (cell phone, camera, other device), the reason for video recording, or the actual recordings.

Violation 3:

(b)(6); (b)(7)(C) School continues to deny us access to the videos and information about the videos taken at school. Additional documentation is enclosed.

It is important to note that (b)(6); (b)(7)(C) and Cinnamon Henley are no longer employed at (b)(6); (b)(7)(C) School. Additionally, for contact purposes the new Head of School is (b)(6); (b)(7)(C). I have also enclosed a list of the (b)(6); (b)(7)(C) School Board of Directors.

Thank you for reviewing these concerns. Please let me know if you have any questions regarding this complaint or if you need any additional documentation.

Sincerely,

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



FERPA COMPLAINT

BREACH OF CONFIDENTIALITY AND RECORDS VIOLATION

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Contact numbers (b)(6); (b)(7)(C) home
May 7, 2014

[This complaint is concerning a violation of the FERPA act of 1974 where the plaintiff contacts her research consultant by email. The emails are redirected to another research consultant(s) who is/are fraudulently responding to the emails under the original research consultant's name. These same consultants's are viewing the student's records and sending each other the student's emails. The research consultants committing these acts are intentionally sabotaging the student's ability to progress in the program and graduate.]

FERPA COMPLAINT-BREACH OF CONFIDENTIALITY AND RECORDS VIOLATION 5/7/14

My name is (b)(6); (b)(7)(C) I am a doctoral student at (b)(6); (b)(7)(C) in (b)(6); (b)(7) VA. I have been enrolled there since 2009. I completed my coursework in spring 2011. During the same time, I applied to IRB for approval. After over a 1 year in IRB and multiple revisions (over 22), and filing a complaint in the Office of Civil Rights (the case was not pursued by the OCR). After the OCR began the case against (b)(6); (b)(7)(C), suddenly, I received and an exempted IRB approval. After being approved by IRB, I began my data collection. I wrote the Chapters 4-5, had the dissertation edited, made final revisions and completed my dissertation. After **referencing the Student Dissertation handbook**, again to make sure that I was following the right protocol, I sent the dissertation to my chair. He reviewed it and advised me to send it to the committee. After making the requested revisions from the chair and committee members, I gain **approval of the final dissertation**. I received an **approval from the chair and committee to proceed to defense and register for the (b)(6); (b)(7) course**. My chair wrote the admissions adviser an email *of approval to move to the defense*. I was able to register for the (b)(6); (b)(7) I called the advising office and requested registration for the (b)(6); (b)(7) class. I received a confirmation that I would be enrolled in the course within 2 business days for processing.

Page | 1

L22999797 Drop Confirmation

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

Sat 5/3/2014 8:45 AM

REPLYREPLY ALLFORWARD
mark as unread

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

Fri 4/18/2014 1:54 PM

To:

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

You forwarded this message on 5/3/2014 8:45 AM

Get more apps