Ms. Amy Buttke
Director
Great Western Academy Charter School
310 N. Wilson Road
Columbus, Ohio 43204

SEP 14 2009

Complaint No. (b)(6)
Family Educational Rights
and Privacy Act

Dear Ms. Buttke:

This is in regard to the complaint filed by (b)(6) (Parents) against the (b)(6) (School) under the Family Educational Rights and Privacy Act (FERPA). By letter dated August 21, 2007, we asked you for additional information relative to the Parents' allegation that the School provided certain of their child (b)(6) (Student) education records to a parent of another child at the School, (b)(6). The specific education records that were disclosed are a copy of the Student's Emergency Information Card and a copy of the Student's Camp Fire Consent form. In this regard, the Parents stated the following:

> I learned that my [daughter's] records [were] disclosed to (b)(6) when a court document was mailed to me with [the Student's] records attached. It is unkown to me who released the records, however (b)(6) school administrator does know who released the records and exactly when.

By letter dated September 28, 2007, (b)(6), attorney, explained on behalf of the District that he interviewed the school officials involved in the matter and that they do not know how (b)(6) came to possess the Camp Fire Consent Form and Emergency Information Card and that at no time did the School admit to any "mistake" regarding the Emergency Information Card. (b)(6) states:

> Again, the School takes its privacy obligations very seriously and, although the School does not know how (b)(6) obtained the Camp Fire Consent Form or the Emergency Information Card, the School has increased security to protect the privacy of the education records it maintains.

When an individual alleges that a violation of FERPA has occurred, the burden of proof rests with that individual. In this case, the District has refuted that a FERPA violation occurred and the Parent did not provide evidence to support her allegation. Additionally, the District provided written assurance that it understands and complies with the requirements of FERPA. Given these circumstances and no evidence to the contrary, we find that the District did not violate FERPA as alleged. We are, therefore, closing this complaint and will so notify the complainant by copy of this letter.

Enclosed for your reference is a copy of the FERPA regulations that were revised in December 2008. Thank you for your cooperation with regard to this matter.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure

cc: Parent