



# Board Governance Notice

Contractor/Counsel FERPA Mapping, Disclosure Logs, And Reliance Quarantine

<b>Date submitted</b>	June 20, 2026
<b>Requested response date</b>	June 20, 2026
<b>Deadline basis</b>	Board governance notice; prompt preservation, routing, and access-basis oversight requested.
<b>Sender</b>	[REDACTED]
<b>Recipient</b>	PLSAS School Board Directors
<b>Scope</b>	Contractor/Counsel FERPA Mapping, Disclosure Logs, And Reliance Quarantine

This cover page is an index aid. The formal request body follows on the next page and controls the specific scope, authorities invoked, and requested action.

# Board Governance Notice: Contractor/Counsel FERPA Mapping, Disclosure Logs, And Reliance Quarantine

Dear School Board Directors:

This is a board-governance notice concerning a records-governance and privacy-compliance issue that now requires preservation, routing, and board-level oversight. It is not a request that the Board review private student data, private family data, personnel data, attorney-client data, work product, or other not-public data. The requested Board role is governance oversight of policy, annual-notice, contract, access-control, disclosure-log, and record-reliance systems.

Today I submitted supplemental record-correction request `FCEM-RR-002`, titled **Supplemental Record Correction Request: FERPA Contractor/Counsel Disclosure-Log Mapping and Reliance Quarantine**. That request challenges maintained District statements and derivative records that rely on the premise that attorneys, contractors, consultants, vendors, investigators, agents, claims administrators, Board reviewers, administrators, or other recipients were valid FERPA `school officials`, or otherwise fit a FERPA non-consent exception, without the District identifying the annual-notice criteria, legitimate-educational-interest basis, direct-control terms, redisclosure limits, recipient role, matter-specific access purpose, or access/accounting record needed to verify that premise.

The immediate maintained-record target is Emily Herman's June 12, 2025 statement that no disclosure log exists because a disclosure record is not required when the request or disclosure is to a school official under 34 CFR 99.31(a)(1), followed by the statement that `The District's attorneys are school officials pursuant to 34 CFR 99.31(a)(1)(B)`.

The governance concern is broader than one response letter. If the District permits contractor, counsel, consultant, vendor, investigator, agent, claims-administrator, Board-reviewer, administrator, or other non-parent access to student education records under a school-official theory, the District must be able to identify the posted annual-notice category and criteria, the legitimate educational interest, the institutional service or function, the direct-control and redisclosure terms for outside parties, the recipient's role, the record category, the purpose of access, and the access-control or accounting record showing why that access was permitted.

If the District cannot identify that mapping, the issue is not merely a delayed production or a disputed redaction. It becomes a governance issue because the same unmapped access may contaminate the District's ability to rely on records that were reviewed, drafted, approved, withheld, redacted, validated, transmitted, or defended through that access.

For that reason, I am asking the Board to ensure that the District treats this as a board-level records-governance matter and not only as an ordinary records-request dispute.

## Governance Concern

Our research has identified several record-review contexts where District responses appear to rely on contractor, counsel, or other nonemployee access to student education records under a FERPA school-official theory, but the District has not identified the posted annual-notice criteria, legitimate-educational-interest mapping, direct-control terms, redisclosure limits, access-control records, or disclosure logs needed to verify that access.

This is a board-governance issue because records reviewed or created through unmapped access should not be used as merits evidence until the access basis is proven. The proper interim path is to quarantine those records as reliance-contaminated, preserve all access, audit, contract, source, and routing records, and require an accounting of the affected record families, including any HOMS, Title IX, correction, legal-review, finality, no-responsive-data, no-privacy-violation, or agency-facing records that depended on the unmapped access.

I am not asking the Board to adjudicate individual student, personnel, legal, or complaint merits in open session. I am asking the Board to exercise governance oversight over the systems that decide who may access student education records, what public definitions and annual notices justify that access, whether required access/disclosure records are maintained, and whether the District may rely on records produced through unverified access.

## **Why Board Oversight Is Needed**

This issue sits at the intersection of board-adopted policy, annual FERPA notice language, contract/direct-control obligations, data-practices compliance, system access controls, legal-review routing, investigation records, and record-correction rights. Those are governance functions. They should not be resolved solely by the same administrative or legal-review actors whose access, mapping, routing, or reliance may itself be part of the disputed record universe.

The concern is not that outside counsel or a contractor can never qualify for access. The concern is that the District has maintained no-log, no-disclosure-log, school-official, legitimate-interest, no-privacy-violation, finality, and merits-reliance positions without identifying the records that would make those positions verifiable.

If valid mapping records exist, the District can identify them. If they do not exist, the District should correct or qualify the records and stop relying on the affected record families as clean merits evidence until the access basis is established.

## **Requested Board-Level Action**

Please ensure that the District preserves and accounts for:

- the FERPA annual-notice language, handbook language, policy language, and public criteria the District contends defined `school official` and `legitimate educational interest` for the relevant school years;
- records showing when those definitions or criteria were approved, published, distributed, revised, or made effective;
- contracts, engagement records, direct-control terms, confidentiality terms, redisclosure terms, matter assignments, access approvals, and recipient-role records for counsel, outside counsel, contractors, consultants, vendors, investigators, agents, insurers, claims administrators, Board-related reviewers, administrators, or other non-parent recipients who accessed student education records;
- access-control records, audit logs, disclosure logs, no-log determinations, or equivalent accounting records for those accesses;
- records showing whether the District used the school-official exception as the reason no disclosure/access log was maintained;

- records showing whether any HOMS, Title IX, correction, legal-review, finality, no-responsive-data, no-privacy-violation, or agency-facing record was reviewed, created, approved, withheld, redacted, validated, or relied upon through access that has not been mapped to a lawful FERPA/MGDPA basis;
- records showing how `FCEM-RR-002`, `FCEM-RR-001`, `SOMAP-RR-001`, and related access-basis requests are being routed, assigned, reviewed, and dispositioned;
- records showing whether the District opens any broader correction, qualification, recipient-notification, access-basis review, or reliance-quarantine review because of this issue.

Please also ensure that records fitting the disputed category are not used as clean merits evidence, source support, investigation-validation evidence, correction-denial evidence, legal-review support, privacy/no-violation support, finality support, or agency-facing support unless and until the District identifies the access basis, classification basis, source support, and segregable data-subject or de-identified portions that can lawfully be disclosed.

## Non-Consent And Routing Notice

This notice and the related correction requests involve private data about me and my minor child, including private education data and personally identifiable information from education records. I do not consent to the sharing, forwarding, review, consultation, disclosure, or use of this data with or by any person or entity that is not category-mapped to a valid District-published, District-maintained FERPA exception applicable to the relevant school year and record universe.

If the District discloses or permits access without consent, please preserve and identify the maintained basis for that access, including the recipient, role, purpose, record category, applicable FERPA/MGDPA authority, annual-notice category, category mapping, legitimate educational interest, and any direct-control or redisclosure limitation relied upon.

Please preserve records showing Board receipt, routing, assignment, review, discussion, response, and follow-up for this notice, including any record identifying the person, office, designee, counsel, administrator, independent reviewer, committee, or other assigned handler responsible for reviewing this governance concern.

Source references:

- `FCEM-RR-002`: **Supplemental Record Correction Request: FERPA Contractor/Counsel Disclosure-Log Mapping and Reliance Quarantine**, dated June 20, 2026; Gmail-verified sent message/thread `19ee70f076499c19`; sent to Robert Cothorn, Michael Thomas, and Kristi Mussman, with the School Board and Dr. James Wagner copied.
- `FCEM-RR-001`: prior FERPA counsel-exemption mapping correction request challenging the June 12, 2025 attorney-as-school-official / no-disclosure-log premise.
- `SOMAP-RR-001`: **FERPA School-Official / Public-Definition Mapping Correction**, dated June 18, 2026; challenges maintained records and categories depending on unmapped or unsupported FERPA school-official / legitimate-educational-interest theories.
- Related outside-counsel and access-basis requests sent June 20, 2026, seeking existing records that would identify the maintained access basis, audit/accounting records, and nonprivileged routing/metadata records for counsel and District actors.

Respectfully,

