

Dear Timberlane School Board and Dr. Metzler,

I am here tonight to address the false accusations that were announced by Dr. Metzler at the September 3, 2015 meeting when Dr. Farah notified the School Board that we did not need any support from the School District for our School Impact Fee analysis. Dr. Farah was asked by Mrs. Steenson if the school provided the student data and she responded that they had. She did not state that the data was used for the town study. Dr. Metzler's response was that "It was not authorized and you have it illegally".

I would like to point to you Exhibit A – Which is an email sent from the Danville Board of Selectmen Assessing/Land Use Clerk, Ms. Janet Denison, to Mr. George Stockinger, Ms. Kathleen Smith, and Dr. Earl Metzler outlining our request for information relative to this study. This email was dated January 22, 2015 at 9:34am. This was the email version of the request that was sent via US Mail as well.

On the same Thursday, January 22, 2015 at 4:59pm Ms Denison received an email from Mr. John Holland, Technology Director of TRSD, which indicated "As requested, attached is the list of Danville students by grade level and residence address, in Excel format." This is illustrated by Exhibit B.

Then 22 minutes later a subsequent email was sent by Mr. Holland requesting to recall the message "Danville List". Ms. Denison responded at 6:21pm to Mr. Holland via email, "What do you mean?" Ms. Denison called Mr. Holland's phone on Friday, January 23 on two occasions asking for clarifications about why his list was being recalled. This is illustrated by exhibit C. Questions that Ms. Denison had included: was the data incorrect, incomplete, or outdated? Later that morning Ms. Denison forwarded the list to Mr. Bruce Mayberry from BLM Planning who was conducting the survey on behalf of the Town of Danville. Ms. Denison indicated to Mr. Mayberry that the data may be incomplete or incorrect. This was done after two phone calls went unanswered to Mr. Holland.

On Monday January 26, 2016 Ms. Cathy Belcher sent the following email to Ms. Denison as a high priority – Exhibit D which indicated "... the divulgence of this information may be in violation of FERPA laws."

On Wednesday, January 28, 2015 Mr. Bruce Mayberry sent Ms. Cathy Belcher an email outlining the receipt of the recalled data, and supplied 2 pages of supporting documentation to ask for reconsideration – Exhibit E. No response followed from Ms. Belcher to Mr. Mayberry about this matter. This information was never supplied to the School Board.

On March 12, 2015 I, acting as Chairman of the Board of Selectmen, sent a follow up to Dr. Metzler to discuss the outstanding issue that remains with respect to our School Impact fee Study – Exhibit F. You will also notice in this exchange that Danville Representative Mr. Collins was involved in this discussion and after a few email exchanges between him and me, indicated "this isn't happening. I've confirmed it, it's a FERPA violation." This is illustrated by exhibit F.

I will disclose now that Mr. Collins and I had a phone conversation relative to this matter around this time frame and I disclosed to him that we already had the data from the SAU. His response was, "You didn't destroy it yet?"

Now let us fast forward to the April 2, 2015 School Board meeting (Time 3:13:45 -3:24:05) when Dr. Metzler recommended to the School Board that they waive School Board policy to support the release of this information to the Town of Danville. This recommendation was based on discussions with Dr. Metzler, Dr. Farah, and Cathy Belcher in which it was noted there was no FERPA violation but rather a school board policy in place. Dr. Metzler's office was in possession of Mr. Mayberry's 2 page explanation of why the data was needed from Jan 28, 2015. This information was not provided to the School Board for your deliberations.

On May 7, 2015 I presented more information to the School Board which resulted in a May 21, agenda item on this topic which Mr. Mayberry attended at our expense.

On Sept 3, 2015 Dr. Farah indicated to the School Board that we had the data from the SAU but she did not indicate that we had used the data in our School Impact Fee study. Mr. Mayberry, as you may recall from his May 21, 2015 appearance is able to obtain this data in a statistical form from the State. It is not as accurate as having actual verifiable data as obtained from the District. The Town of Danville and Mr. Mayberry used the State statistical data knowing that the School District was not going to assist in our effort to obtain the data.

On Monday Sept 14, 2015 the Town of Danville received a letter from the District attorney outlining some of these events. This is illustrated as Exhibit G.

Dr. Metzler and Mr. Collins, how can you say that the District is 'transparent' to this community when you are not transparent to your fellow Board members? It is clear that Ms. Steenson, as Chairwoman, was not aware of the release of information by the SAU. I suspect than many of your fellow Board members were not aware either. I have seen in our schools, that you oversee, a very powerful and inspirational passage, "**Character** – Doing the right thing when nobody is watching". How would you define your Character at this time?

Upon receipt of a written apology to the Danville Board of Selectmen and our staff, as a courtesy to the district, we will destroy the data, which we believe is NOT a FERPA violation but a School Board policy violation which is NOT applicable to the Town of Danville.

Thank you,

Shawn O'Neil

Chairman
Board of Selectmen
Town of Danville, New Hampshire

Exhibit A – Initial Data Request



Shawn O'Neil <shawn.p.oneil@gmail.com>

FW: impact fee update

Janet Denison <jdenison@townofdanville.org>
To: Shawn Oneil <shawn_oneil@alum.rit.edu>

Tue, Sep 8, 2015 at 8:37 AM

Here's the initial request. Jan. 22 at 9:34am to three people since I didn't know whom to ask specifically.

Janet S. Denison

Assessing/Land Use clerk

210 Main St.

Danville, NH 03819

382-8253 ext. 4 (fax 382-3363)

Please note that all communication to and from this email address is subject to NH RSA 91-A which affords the public access to this information, with the exception of limited, sensitive information.

From: Janet Denison

Sent: Thursday, January 22, 2015 9:34 AM

To: 'george.stokinger@timberlane.net'; 'kathleen.smith@timberlane.net'; 'earl.metzler@timberlane.net'

Subject: impact fee update

The attached letter is going in today's mail. I'm forwarding this via email and ask that it be kindly forwarded to the appropriate person with the needed information.

Thank you!

Janet S. Denison

Assessing/Land Use clerk

210 Main St.

Danville, NH 03819

382-8253 ext. 4 (fax 382-3363)

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letter to SAU 55.doc

164K



Town of Danville



Selectmen

*Shawn O'Neil
Chris Giordano
Annemarie Inman
Michelle Cooper
Kimberly Farah*

Town Clerk
Christine Tracy

Tax Collector
Kimberly T. Burnham

January 22, 2015

Dr. Earl Metzler
Administrative Offices
30 Greenough Road
Plaistow, NH 03865

Dear Dr. Metzler,

The Town of Danville is in the process of updating its school impact fee schedule. As part of the update, our consultant will match the number of Danville resident public school students by grade and address to our property tax records. This will enable an accurate update of enrollment per housing unit by type of dwelling, year built, etc. The last time this matching process was done was 12 years ago.

In support of the study, we are requesting a list of Danville resident pupils by grade and street address in a spreadsheet file. The physical street address (rather than mailing address which is sometimes different) for our resident students is critical in linking enrollment counts to property characteristics.

Tabulations of the information are used solely to produce statistical averages in Danville with no disclosure of information of specific addresses to any other party.

Later in the process our consultant, BCM Planning LLC (Bruce Mayberry) of Yarmouth, Maine, will be contacting you for other information needed for the update as it progresses.

It will be very appreciated if this spreadsheet can be emailed to jdenison@townofdanville.org at your earliest convenience. If you have any questions, you may contact me at 382-8253, extension 4.

Thank you,

Janet S. Denison
Land Use/Assessing Clerk

Exhibit B – Mr. Holland email with Student Data



Shawn O'Neil <shawn.p.oneil@gmail.com>

FW: Danville List

Janet Denison <jdenison@townofdanville.org>
To: Shawn Oneil <shawn_oneil@alum.rit.edu>

Tue, Sep 8, 2015 at 8:41 AM

This is the response, on Jan. 22, 4:59pm. The list was attached. I removed it, leaving only Bruce Mayberry and myself who have seen it.

Mr. Stokinger, Kathleen Smith, or Earl Metzler had to have forwarded the request for information, eventually going to Mr. Holland who sent the list.

Janet S. Denison

Assessing/Land Use clerk

210 Main St.

Danville, NH 03819

382-8253 ext. 4 (fax 382-3363)

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From: Holland, John [mailto:John.Holland@timberlane.net]
Sent: Thursday, January 22, 2015 4:59 PM
To: Janet Denison
Subject: Danville List

Hello Janet,

As requested, attached is the list of Danville students by grade level and residence address, in Excel format. It does not contain actual student names. Let me know if you need anything else.



John Holland, Technology Director

9/21/2015

Gmail - FW: Danville List

Email: john.holland@timberlane.net

Phone: 603-382-6119, ext. 2219

Exhibit C – Ms. Denison email response for explanation



Shawn O'Neil <shawn.p.oneil@gmail.com>

FW: Danville List

Janet Denison <jdenison@townofdanville.org>
To: Shawn Oneil <shawn_oneil@alum.rit.edu>

Tue, Sep 8, 2015 at 8:41 AM

Before the list was sent to Mr. Mayberry...

Janet S. Denison
Assessing/Land Use clerk
210 Main St.
Danville, NH 03819
382-8253 ext. 4 (fax 382-3363)

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-----Original Message-----

From: Janet Denison
Sent: Thursday, January 22, 2015 6:21 PM
To: 'Holland, John'
Subject: RE: Danville List

What do you mean?

Janet S. Denison
Assessing/Land Use clerk
210 Main St.
Danville, NH 03819
382-8253 ext. 4 (fax 382-3363)

Please note that all communication to and from this email address is subject to NH RSA 91-A which affords the public access to this information, with the exception of limited, sensitive information.

-----Original Message-----

From: Holland, John [mailto:John.Holland@timberlane.net]
Sent: Thursday, January 22, 2015 5:21 PM
To: Janet Denison
Subject: Recall: Danville List

Holland, John would like to recall the message, "Danville List".



Shawn O'Neil <shawn.p.oneil@gmail.com>

FW: student list

Janet Denison <jdenison@townofdanville.org>
To: Shawn Oneil <shawn_oneil@alum.rit.edu>

Tue, Sep 8, 2015 at 8:47 AM

The list was sent to Mr. Mayberry on the 23rd, 9:33am.

I also called John Holland twice, asking for clarification as to why he recalled the list. Was it incorrect, incomplete, outdated? I left two messages on his phone, both unanswered. So the list was forwarded.

Janet S. Denison

Assessing/Land Use clerk

210 Main St.

Danville, NH 03819

382-8253 ext. 4 (fax 382-3363)

Please note that all communication to and from this email address is subject to NH RSA 91-A which affords the public access to this information, with the exception of limited, sensitive information.

From: Janet Denison
Sent: Friday, January 23, 2015 9:33 AM
To: Bruce C. Mayberry
Subject: student list

Bruce

The attached list was sent from the school yesterday. However, 20 minutes later I got an email asking for the previous email to be recalled. They haven't explained why, but I will assume this list is correct. My own kids and their friends are listed correctly. If they send a revised list, I'll get that to you asap.

Janet S. Denison

Assessing/Land Use clerk

210 Main St.

Danville, NH 03819

382-8253 ext. 4 (fax 382-3363)

Please note that all communication to and from this email address is subject to NH RSA 91-A which affords the public access to this information, with the exception of limited, sensitive information.

Exhibit D – Ms. Belcher email Jan 26, 2015

Janet Denison

From: Belcher, Catherine <Catherine.Belcher@timberlane.net>
Sent: Monday, January 26, 2015 12:18 PM
To: Janet Denison
Subject: Danville Resident Pupils List

Importance: High

Hello Janet,

Please note that in error, this office forwarded to you by email a list of Danville resident students by address and grade (no names) on January 22nd. Attempts were made to recall the message within minutes of the original email transmission. It is imperative that this list be deleted from your files, including all paper and electronic versions, as the divulgence of this information may be in violation of FERPA laws. The error in sending the information rests with the school district; however, it is our hope you will assist us in taking the appropriate actions for correction.

Kindly confirm you have deleted/destroyed the email list of resident students as requested by responding to this email.

Feel free to contact me directly at 382-6119 ext. 2217.

I look forward to hearing back from you,
Cathy



Cathy Belcher
Executive Assistant to the Superintendent
and Assistant Superintendent of Schools
(603) 382-6119 ext. 2217
catherine.belcher@timberlane.net

SCHOOL ADMINISTRATIVE UNIT NO 55
Serving the Hampstead and
Timberlane Regional School Districts

CONFIDENTIALITY NOTICE: *This e-mail message and any attachment to it is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged materials. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail, delete this message and destroy all copies and backups of the original message.*

Exhibit E – Mr. Mayberry email to Ms. Belcher

Janet Denison

From: Bruce Mayberry <bmayber1@maine.rr.com>
Sent: Wednesday, January 28, 2015 3:33 PM
To: Catherine Belcher
Cc: Janet Denison
Subject: Danville Student Address List
Attachments: BCMPlng Re Danville Student List.pdf

Dear Cathy –

I am the consultant working for the Town of Danville on an update to its school impact fee assessment. (I am the same person who prepared the original school impact fee methodology for the towns of the District, which was work performed under contract to the TRSD back in 1997.)

Recently a list of Danville students by grade and street address (without names) was requested through the Town of Danville as part of the process of updating the Danville school fee. The list was initially provided but then recalled due to privacy concerns.

I've attached a letter to this email that provides more detail about the history, purpose and use of the student address data in the TRSD and hope that the release of the list can be reconsidered for the reasons discussed in the letter.

Please contact me for any further information that may be pertinent to release of the information and/or limitations on its use.

Bruce

Bruce C. Mayberry, Principal
BCM Planning LLC
P. O. Box 723
Yarmouth, Maine 04096

bmayber1@maine.rr.com
(207) 749-5217



P. O. Box 723 Yarmouth, Maine 04096
(207) 749-5217 bmayber1@maine.rr.com

January 28, 2015

Ms. Catherine Belcher, Executive Assistant
Superintendent of Schools – SAU 55
30 Greenough Road
Plaistow, New Hampshire 03865

Re: Student address data for Danville

Dear Catherine:

Recently the Town of Danville requested a listing of the addresses of Danville students by grade in support of work I am doing for the Town to update its school impact fee assessment. (The list was provided but later recalled due to concerns relating to FERPA provisions). I am requesting that this decision be reconsidered. This letter provides further detail about the past use of this data and its importance to the school impact fee calculations within the TRSD.

History: In 1997 I prepared, at the request of and under contract to the Timberlane Regional School District, a methodology for the calculation of school impact fees within each of the four member towns of the District. Each of the member towns subsequently decided to implement the fees, and prepared local ordinances to do so. In 2002, I prepared updates of the impact fee calculations for the towns of Danville and Sandown at their request and expense. In both 1997 and 2002, the TRSD supplied the same student address data that is now being requested for the 2015 update in Danville.

Other Districts in NH: I have similar studies in dozens of New Hampshire towns since 1991, and in all cases I have been able to obtain similar data from their school districts. While a few districts over the years initially expressed a concern regarding confidentiality, these were resolved once the limited purpose and use of the data was explained.

Use of the Data: The sole use of the address information is to pair the count of students by address to property assessment data in each town. With this information, accurate ratios are calculated to show the average number of public school pupils per housing unit by type of housing structure, age of the housing unit, living area and number of bedrooms. Tabulations of the information are never more specific than for these general categories. In this process, only townwide summaries are prepared, and no data is released that would expose information on any individual student address.

Importance of the Data: New Hampshire RSA 674:21,V requires that impact fees be proportionate to the relative impact of development. The ratios calculated using the requested data are the most accurate way to document this factor. Legal challenges to the impact fees in Danville and Sandown were made in 2002. I testified on behalf of the two towns during the Superior Court proceedings. The towns successfully defended their school impact fee process at the Superior Court level. The Superior Court decision was subsequently appealed to the NH Supreme Court, which also upheld the fees. In its decision, the NH Supreme Court determined that the school fee methodology was not at all arbitrary. The Court found that the methodology was based on a series of factual variables that could be updated over time. The most important of these variables in my opinion is the enrollment ratio.

Purpose: The use of the data is limited to the purpose of computing appropriate and proportionate school impact fees. While impact fees can be assessed only by Town governments, the resulting collections must flow to the school district to offset school capital costs. Consequently the fee system is of direct benefit to the school district and its member communities.

FERPA: I am not intimately familiar with the Family Educational Rights and Privacy Act, but I do note that the FERPA provisions contain an exemption from requiring parental consent on release of records in the case of: "Organizations conducting certain studies for or on behalf of the school". It would seem that our request would qualify under this provision, particularly since we are updating a methodology originally created at the request of the TRSD. The request is not for the student's full educational record, but only street address and grade, and without the name of the student.

I am hoping that the release of the requested data can be reconsidered in the context of its public purpose and limited usage for statistical purposes. The impact fee methodology was originated at the request of the TRSD, and the District has historically benefited from the fee system. Use of this data assures that the impact fee calculations remain proportionate over time, and makes the process more legally defensible.

Please let me know if there is any other information I can provide relating to this request for reconsideration of the release of the address data. Thank you for your review and consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bruce C. Mayberry".

Bruce C. Mayberry, Principal
BCM Planning, LLC

Exhibit F – Email thread Dr. Metzler and Mr. Collins



Shawn O'Neil <shawn.p.oneil@gmail.com>

Town fo Danville - School Impact Fee Study

Rob Collins <robcollins89@gmail.com>

Thu, Mar 12, 2015 at 11:48 AM

To: Shawn O'Neil <shawn_oneil@mail.rit.edu>

This isn't happening. I've confirmed it, it's a FERPA violation.

On Mar 12, 2015 11:11 AM, "Shawn O'Neil" <shawn_oneil@mail.rit.edu> wrote:

He is determining the financial component to add under a 'school impact fee' for building. The fee will be based upon the data that is submitted to determine the impact of a 2 bedroom house, 3 bedroom, 4 bedroom, condo, townhouse, vs. modular home. He uses this data all the time, and for many districts. I really don't understand why this is all of a sudden an issue.

Shawn

On Thu, Mar 12, 2015 at 11:06 AM, Rob Collins <robcollins89@gmail.com> wrote:

And as I said before, how does that impact what he is preparing?

On Mar 12, 2015 11:04 AM, "Shawn O'Neil" <shawn_oneil@mail.rit.edu> wrote:

Are the children coming from 2,3, or 4 bedroom houses, modular homes, etc. What neighborhoods? Density of children? These are just a few I can think of off the top of my head. I assume Mr. Mayberry can add many more.

Shawn

On Thu, Mar 12, 2015 at 10:37 AM, Rob Collins <robcollins89@gmail.com> wrote:

I'm new to all of this but how is the request for this information justifiable in formulating an impact fee?

Handing the addresses of our children to an unknown entity, to TRSD, seems a bit odd to me...

On Mar 12, 2015 10:32 AM, "Shawn O'Neil" <shawn_oneil@mail.rit.edu> wrote:

Dear Dr. Metzler,

I'm looking to follow up on an issue that remains outstanding relative to receiving information to complete the Town of Danville School Impact study with our vendor Bruce Mayberry from BCM Planning. There was an issue where data was sent but then subsequently recalled due to some FERPA issue. Mr. Mayberry wishes to have this matter resolved before his continuation on this study. Mr. Mayberry's position is that he has been doing this for years and has obtained this type of data from Timberlance before as well as other districts. When the report is finished, the only data someone will be able to see from the report is that this is from Danville, NH. Street names, neighborhoods, etc. will not be part of the report, but used to generate conclusions and factual statements. The School Impact study will be less defensible in court without this data according to Mr. Mayberry, and he's had to defend this in court before.

Thank you,
Shawn O'Neil
Chairman
Danville Board of Selectmen

From: Bruce Mayberry [<mailto:bmayber1@maine.rr.com>]

Sent: Friday, January 16, 2015 4:25 PM

To: Patricia Shogren

Subject: RE: Initial Data for School Fee Update

Patty –

To get going on the school impact fee update, the first items I need are:

(1) Danville property tax assessment data file in spreadsheet form – all parcels. I've attached list of the data needed from the file and as an example I have attached an Excel file that illustrates the data extract that Litchfield created for me from their Avitar assessment records. This needs to be in an Excel type file so that I can sort it. A printed report or PDF won't work for this task.

(2) From the Timberlane District, we need a list of all Danville resident pupils by grade and street address placed in a spreadsheet file so I can sort by street address. I've attached a document with sample language for a request to the school district. I think that if the request comes from the Town, we'll get it sooner.

I'll use this information to associate the number of pupils by grade to their address and to the related property information (type of home, size, bedrooms, valuation etc.) The last time we did this in Danville was in 2002.

Once you review this email and attachments, contact me if you have any questions.

Thanks for your assistance!

Bruce

Bruce C. Mayberry, Principal
BCM Planning LLC
P. O. Box 723
Yarmouth, Maine 04096

bmayber1@maine.rr.com
(207) 749-5217

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Shawn O'Neil
shawn_oneil@mail.rit.edu

Please consider the environment before printing this e-mail



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Shawn O'Neil
shawn_oneil@mail.rit.edu

Please consider the environment before printing this e-mail



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shawn_oneil@mail.rit.edu

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Exhibit G – TRSD Attorney letter to the Town of Danville



YEARS OF SERVICE TO OUR CLIENTS AND COMMUNITIES

James A. O'Shaughnessy 603.716.2895 Ext 223
Admitted in NH joshughnessy@dwmlaw.com

1001 Elm Street, Suite 303
Manchester, NH 03101-1845
603.716.2895 Main
603.716.2899 Fax

September 11, 2015

Shawn O'Neil, Chairman
Board of Selectmen
Town of Danville
210 Main Street
Danville, NH 03819

RE: Student Information

Dear Mr. O'Neil,

I am writing on behalf of my client, the Timberlane School District, to ask the Town of Danville and any and all of its agents, employees, and consultants to immediately cease and desist using, and delete and/or destroy, all records pertaining to students of the District. As you are aware, an inadvertent disclosure of confidential student information was made to a Town employee in January of this year. That information was then passed along to a consultant of the Town, Bruce Mayberry. Despite numerous requests, the Town has since repeatedly refused to return or destroy the information. The facts as I understand them are set forth below.

FACTS

On January 22, 2015, Janet Denison, the Town's Assessing and Land Use Clerk sent an email to my client requesting the names and addresses of students in the District who reside in Danville. Less than 20 minutes after the request was made, the District's Technology Director, John Holland responded to the email attaching a spreadsheet containing student addresses and grades but excluding student names. Within minutes of the list being sent, Mr. Holland attempted to recall the message because the disclosure of this information was done in error. A Town employee denied the recall requests and subsequently forwarded the list to the Town's consultant, Bruce Mayberry.

Upon information and belief, on January 26, 2015, Cathy Belcher, Executive Assistant to the Superintendent, sent an email to Ms. Denison explaining that the list contained confidential student information and had been sent in error. Ms. Belcher politely implored Ms. Denison to delete the list from the Town's files, including all paper and electronic versions, as divulgence of this information had been a violation of FERPA (Family Educational Rights and Privacy Act).

During a follow up telephone conversation between Ms. Belcher and Ms. Denison on January 26, Ms. Denison told Ms. Belcher that she was unwilling to cooperate with the District's request and confirmed that the information had already been forwarded to Mr. Mayberry.

On January 28, 2015, Mr. Mayberry emailed Ms. Belcher confirming receipt of the list and acknowledging that the "list was initially provided but then recalled due to privacy concerns." Mr. Mayberry has since told the District that he does not intend to use or further disclose this confidential information as a result of the District's concerns about student privacy.

THE LAW

The Federal Family Educational Rights and Privacy Act (FERPA) of 1974 establishes the rights of students and their families with respect to student educational records kept by educational institutions such as school districts.¹ Generally, schools must obtain written permission from the parent or eligible student in order to release any information from a student's education record, including personally identifiable information about the student. There are a few exceptions to this limitation, such as disclosure of "directory" information pursuant to a school district policy. A student's address is considered personally identifiable information, and unless there is a directory information policy allowing disclosure of a student's address, that information is deemed confidential and cannot be disclosed without parental consent.² New Hampshire law similarly defines "student personally-identifiable data" to include the "address of the student or student's family."³ Finally, RSA 189:67, which contains a broad and clear prohibition against releasing confidential student information, provides, in part:

Student personally-identifiable data shall be considered confidential and privileged and shall not be disclosed, directly or indirectly, as a result of administrative or judicial proceedings.⁴

Thus, because student addresses are not part of the District's directory information policy, such information is deemed to be confidential regardless of whether it has been released in the past. The District reasserts its demand that the Town permanently delete and/or destroy any and all electronic or paper copies of this spreadsheet. Once the District has been notified that the Town has complied with this request, the District will send a letter to each parent who resides in Danville asking for consent to allow Danville to use this information. By refusing to destroy confidential student information which the Town received in error, the Town and any employees or members of the Board acting outside the scope of the law are on notice that they may be exposing themselves to liability for common law invasion of privacy as well as violations of both FERPA and RSA 189:67.

¹ 20 U.S.C. § 1232g; 34 CFR Part 99.

² See 34 CFR Part 99

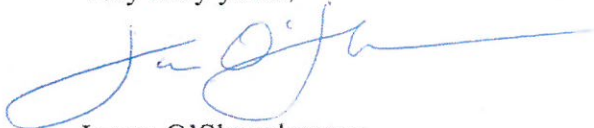
³ RSA 189:65, VII (c).

⁴ RSA 189:67, V.

Shawn O'Neil, Chairman
September 11, 2015
Page 3

The Town's consultant, who has to date respected the request of the District, has been copied on this letter. Please provide a copy to any other consultants and/or third parties with whom the Town has shared this confidential information. We trust that the Town will act reasonably and prudently in complying with this request.

Very truly yours,



James O'Shaughnessy

JAO/dmf

cc: Dr. Earl Metzler, Superintendent, Timberlane Regional School District
Nancy Steenson, School Board Chair, Timberlane Regional School District
Bruce Mayberry