

**UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, DISTRICT OF COLUMBIA**

JOHN AND JANE DOE NO. 1,	:	Case No. _____
Individually and as Natural	:	
Guardians of Child Victim A	:	
c/o Angela L. Wallace	:	
119 East Court Street, Suite 500	:	
Cincinnati, OH 45202, and	:	
	:	
JOHN DOE NO. 2,	:	
Individually and as Natural	:	
Guardian of Child Victim B	:	
c/o Angela L. Wallace	:	
119 East Court Street, Suite 500	:	
Cincinnati, OH 45202,	:	
	:	
Complainants,	:	
	:	
-vs-	:	
	:	
SPRINGBORO COMMUNITY	:	
CITY SCHOOL DISTRICT	:	
1685 S. Main Street	:	
Springboro, OH 45066,	:	
	:	
Educational Institution.	:	

COMPLAINT

Complainants, by and through counsel, assert the following against Defendants
Springboro Community City School District:

1. Complainants are each parents and natural guardians of female children that attended the first-grade at Clearcreek Elementary School, a K-1 elementary school in the Springboro Community City School District, during the 2018-2019 school year.
2. Defendant Springboro Community City School District ("Springboro") is a public school district located in Warren County, Ohio. Clearcreek Elementary is part of the Springboro Community School District.

3. Springboro received federal funds and is an “educational agency or institution” pursuant to 20 U.S.C. § 1232g(a)(3).

4. Springboro employed John Austin Hopkins as its physical education teacher at Clearcreek Elementary during the 2018-2019 school year, until Springboro accepted Hopkins’ letter of resignation on March 13, 2019. Springboro also employed Hopkins as its substitute physical education teacher at Clearcreek Elementary during the 2017-2018 school year.

5. Hopkins sexually abused each of Complainants’ children while serving as a teacher at Clearcreek Elementary School.

6. Springboro recorded security camera video footage of Hopkins physical education classes in the Clearcreek Elementary School gymnasium between December 2018 and March 2019 (hereinafter, “the Abuse Footage”). This Abuse Footage memorialized some of the acts of sexual abuse perpetrated against the children of Complainants by Hopkins.

7. The Abuse Footage, captured and maintained, by Springboro recorded more than one hundred instances of sexual contact by Hopkins against at least 88 students from December 2018 to March 2019.

8. In March 2019, Complainants were contacted, individually, by the Springboro Police Department. Springboro police officers allowed Complainants to view some of the Abuse Footage involving each Complainant’s child. Springboro Police Department officers told several Complainants that he or she did not see all of the Abuse Footage involving his or her child.

9. Springboro has kept and maintained the Abuse Footage. Further, Springboro has used the substance of the Abuse Footage to make education decisions, including whether or not specific children should participate in physical education class from March 2019 until the conclusion of last school year and class placement for the 2019-2020 school year.

10. The portion of the Abuse Footage showing the child of each Complainant is an education record of that child pursuant to 20 U.S.C. § 1232g(a)(4).

11. On August 8, 2019, each Complainant requested access to the portion of the Abuse Footage that included his or her child from an attorney representing Springboro. Complainant reiterated that request by letter dated August 23, 2019 to the attorney representing Springboro.

12. Springboro has refused to let any Complainant view or access any portion of the Abuse Footage. In response to the request by Complainants, the attorney for Springboro wrote, on August 29, 2019, “[b]ecause this matter does not involve student discipline,” the video is not an education record, to which FERPA mandates access. “With regard to the video, in further considering the issue, I do not believe FERPA applies.”

13. It is important for each Complainant to have access to the Abuse Footage involving his or her child to understand the abuse suffered by his or her child and make decisions regarding the proper medical treatment for each child.

14. By refusing to provide access to the Abuse Footage, Springboro is in violation of the Family Educational and Privacy Rights Act (FERPA), 20 U.S.C. § 1232g(a)(1) and 34 C.F.R. § 99.10(a).

15. Complainants file this Complaint pursuant to 34 C.F.R. §§ 99.63 and 99.64 and respectfully request that the Office of the Secretary, Department of Education, investigate this matter.

Respectfully submitted,

/s/ Angela L. Wallace

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