

The trip to Costa Rica (continued from page 6)

Hammon made it clear to the students that *he* was not leaving Costa Rica - that he was not going to be the one who would escort the young girl back to the safety and care of her parents and to competent mental health professionals. One excuse he used about not taking her back to the airport in San Jose and returning her to the States at whatever cost or inconvenience to him was that it was "too far."

If you look at the map on page 6, you will see that Costa Rica is a very small country - even though travel can be slow and require different means to get from Point A to Point B. The only difficult return would have been from Turtle Beach Lodge, because of its remote location.

And, at the beginning of the trip, Hammon may not have concluded the young girl's return to Cheyenne was urgent or necessary. Had he realized that it was, he could have gotten to Tortuguero, from where it was about 68 miles to San Jose and travel time is estimated at less than two hours. Next, the trip took them to La Fortuna and Monteverde. From La Fortuna, the further of the two, it was about 71 miles, with a travel time estimated at an hour and a half, to San Jose. None of the distances or difficulty of travel back to the airport were legitimate reasons not to get the girl back to her parents. Expense should not have mattered. LCCC was responsible for her being in Costa Rica and they were responsible for her return - and at the time she should have returned, not at a time convenient to the college's president.

The woman who was assigned primary care of the troubled student deserves a medal. Her devotion, her diligence and her determination to complete a task which should not have been hers to endure were remarkable. Remarkable.

Did Hammon and his daughters part with the rest of the group and accomplish the things he told friends in his blog that they wanted to do in Costa Rica? Those I've spoken with, directly and indirectly, do not know for certain what the Hammons did all the time but that they did go off on their own on occasion.

The basis for LCCC paying Hammon's way was that he was either an instructor or a chaperone. Truthfully, he was neither. He was a tourist, determined to see the beauty that is Costa Rica with his two daughters. Does his contract with LCCC allow him a "presidential prerogative" to have his children and wife travel with him at taxpayer expense? I will request a copy of his contract under W.S. § 16-4-203 (d)(iii) in the days after this issue of the Herald hits the street. I will also ask the LCCC Board of Trustees to authorize and begin an investigation into matters related to this trip, including possible misuse of public money including costs for one or both daughters. I will also request a report on payment of airfare, lodging and other costs of the Costa Rica on behalf of Hammon and each daughter and also a report showing whether the costs of the trip for either or both daughter were repaid to LCCC and when. I have been told that the reimbursement came only after the matter was brought to the attention of the public - that LCCC had paid for the

Costa Rica trips for all three - Hammon and each daughter. A loan? And I will ask what role each daughter played on the trip and evidence to support that claim.

Had real chaperones been needed, I would think a public request would have brought dozens of applications - especially if LCCC were paying all costs. Hell, if it weren't for Hammon being on such a trip, Costa Rica is one of the few places I have not visited that I have always had a desire to see. I might be interested.

But, as related by students who took the trip, there were no functional chaperones and, effectively, there were no instructors. Hammon was on the roster as "Course Editor -- Instructor." He served as neither. Another "Course Editor" on the roster opted out of going on the trip. Hammon wanted the trip to appear adequately staffed. The only other person listed as "Instructor" provided no instruction and in one instance sat in the bus as students walked a swinging bridge, unaware of what they were seeing or seeking without input from the instructor. That instructor was the primary organizer of the trip. Her interest seemed too personal and not professional enough. She and Hammon speak Spanish so Costa Rica was a better destination than Brazil, where Portuguese is the principal language and Hammon couldn't speak that language.

The 2008 Costa Rica trip was an unmitigated disappointment. Students could not see the volcano because of fog, they saw no turtles, no monkeys, no birds. It was unsafe and it was dangerous to leave the hotels without male escorts. Food had worms, water was impure, it was the rainy season, every activity or sight cost extra money (even second [nonalcoholic] drinks with meals were an extra charge). When students got sick they were not provided medical attention - except Hammon's older daughter - and students lived through constant concerns for their fellow student who desperately needed mental health care from a professional.

One of the last instances of great concern to the students was near the end of the trip when Hammon allowed the troubled student to buy a "jungle knife" or "samurai sword" even though he was aware of the great danger posed by her having such a weapon. When students objected, Hammon told the girl she probably should return the "knife." The girl fled into traffic and was not pursued by Dr. Darrel Hammon, the senior official on this trip, charged with the girl's well being and safety. Instead, the tour guide ran after the girl and returned her to the group.

Darrel Hammon took the Costa Rica trip for selfish reasons. He used the publicly paid junket for himself and his two daughters as the "family vacation" he described on his blog. I believe he had no intention of paying for *any* of the trips but public pressure led to a late reimbursement of one of the girl's trip expenses. He was familiar with the student's fragile state and he should have reacted quickly and decisively to remove her from any risk she posed to herself and others. Instead, he made sure his own daughters were secure and he enjoyed his vacation.

FERPA

The Family Educational Rights and Privacy Act (FERPA) was used by LCCC to withhold the "Costa Rica Report" from the media, specifically the Wyoming Tribune-Eagle. It was used illegally and by the time this print issue of the Cheyenne Herald hits the street on May 25, 2010, the WTE and other media should have a copy of the Report. The Herald has had it for some time and has debated about whether to publish it to prove to readers that there is nothing contained in the Report that is covered under FERPA.

The release of the Report will also prove that LCCC knowingly violated the Wyoming Public Records Act.

Basically, FERPA was enacted to allow students and/or their parents (if the student is underage) to access data from their own records and to prevent schools from releasing private and personal information about student achievement without students knowledge and consent.

It is interesting to note that one of the bases for LCCC to terminate Dr. James Cook was that he complied with FERPA - complied! That he corrected a student's record as is required under FERPA upon student or parent challenge.

The Act has been questioned all the way to the Supreme Court. Decisions have cut both ways in lower courts but rulings have never been so ironclad that no information about a student could be released. In fact, just the opposite is true.

The Act protects a student's privacy regarding "education records" but allows release of a student's "directory information" without the permission of, but with notification to, the student or parent.

Another interesting aspect of FERPA is that it does not create any individual rights. It only "prohibits the federal funding of educational institutions that **have a policy or practice** of releasing education records to unauthorized persons." In a Writ of Certiorari to the Supreme Court by **Gonzaga University**, the High Court ruled that an individual who sued Gonzaga for releasing information about his moral turpitude and as a result, he could not gain teacher certification in Washington. Because of conflict in lower court rulings, the Supreme Court

accepted this Petition to clarify their ruling. In **536 U.S. 273 (2002)**, it read: "Since this ACT conferred no specific, individually enforceable rights, there was no basis for private enforcement ..." Meaning only the Secretary of Education could "enforce" against an offending educational institution. LCCC has no policy nor have they made a practice of releasing such information so they would prevail in litigation even if they released a single record that was later deemed covered by FERPA.

Also in this decision, "FERPA's nondisclosure provisions further speak only in terms of institutional policy and practice, **not individual instances of disclosure.**"

Finally, the Supreme Court wrote, "... due to our finding that FERPA creates no private right to enforce."

I don't mean to imply that releasing the Care Team Report is permissible via some end run that can't be challenged. It *can* be released, and it *must* be released under Wyoming law, because it does not violate any provision of FERPA nondisclosure. Nothing in the Report has to do with a student's "education record." And no student is identified. **No one's** identity is compromised in the Report. Those who knew, knew. Those who did not, do not.

In **Owasso v. Falvo, 00-1073**, also on Certiorari to the Supreme Court, it is written, "Petitioners and the United States contend that education records include only institutional records, e.g., student grade point averages, standardized test scores, and records of disciplinary actions." Obviously, there were no "education records" disclosed in the Care Team Report. And no names were provided. LCCC used that ruse to delay release of a Report to the WTE that the Cheyenne Herald has had for several days.

In summary, FERPA primarily provides rights to student and parental access of their own records and provides a means for a student or parent to challenge the accuracy of those records. If a school like LCCC refuses to change the record, a student or parent has the right to enter a statement of their own, challenging the accuracy of the record. FERPA is not as all-encompassing as LCCC represents and they now must release the Report to media other than the Cheyenne Herald.

Call for an Investigation

It is my considered opinion that the LCCC student trip to Costa Rica should result in an investigation by LCCC, answering the following questions and more:

- 1.) Why wasn't the cost of the Costa Rica trip, based on the occurrences during the trip and the lack of any educational benefit to students, refunded to all students (and others) who paid their own way to make the trip?
- 2.) Were public funds expended to pay the cost of the trip for Darrel Hammon and either or both of his daughters? If so, how much and on what basis? If the daughters were represented to be chaperones, how did either or both manifest that assignment?
- 3.) If the costs advanced by LCCC for the Costa Rica trip for either or both daughter[s] was later reimbursed, when was that done and what amount was repaid to LCCC?
- 4.) What became of the money raised by students before the Costa Rica trip - considerable money that was intended to be donated to a worthy cause in Costa Rica?
- 5.) Were the trip costs for one or more students or nonstudents paid for with the money raised in 4.) above? If so, whom, why, and with whose permission?
- 6.) Were LCCC insurance funds used for medical care provided a Hammon family member on the trip?
- 7.) Why weren't students who got sick on the Costa Rica trip provided medical care?
- 8.) Was alcohol consumed on the Costa Rica trip? If so, by whom?