MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TAMMY FERRY,
RESPONDENT

vs.

THE BOARD OF EDUCATION OF THE JEFFERSON CITY PUBLIC SCHOOL DISTRICT,
APPELLANT

DOCKET NUMBER WD83649

DATE: DECEMBER 15, 2020

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division One: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge and W. Douglas Thomson, Judge

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Attorneys:

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Duane A. Martin, for Appellant

Jeffrey A. Marriott, Co-counsel for Appellant

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TAMMY FERRY, RESPONDENT,
v.
THE BOARD OF EDUCATION OF THE JEFFERSON CITY PUBLIC SCHOOL DISTRICT, APPELLANT.

WD83649 Cole County

Before Division One Judges: Thomas N. Chapman, Presiding Judge, Mark D. Pfeiffer, Judge, and W. Douglas Thomson, Judge

The Board of Education of the Jefferson City Public School District appeals from the circuit court's judgment reversing the decision of the Board terminating Tammy Ferry. On appeal, in which we review the decision of the Board, Ferry contends that the Board erred in: (1) terminating Ferry for violating the Family Educational Rights and Privacy Act and Board policy by making an unlawful disclosure because it is undisputed that she did not disclose any confidential student information to a third party; (2) terminating Ferry for willfully violating Board policies by transferring confidential student information to her personal Google account because it is undisputed that Board policy does not address such transfers; and (3) concluding that Ferry, based on her training, willfully or persistently violated Board polices by transferring her work files containing confidential student information to her personal Google account because there was no competent and substantial evidence demonstrating the training received informed her that such transfers were prohibited and that evidence adduced demonstrated that such transfers were allowed.

AFFIRMED.

Division One holds:

As a matter of law, the Board erred in finding that Ferry disclosed confidential student information when she transferred files to her personal Google account under FERPA and in terminating her employment on that basis. Thus, the Board's Decision was unauthorized by law.

Opinion by: W. Douglas Thomson, Judge Date: December 15, 2020

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