

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

**MORGAN HILL CONCERNED
PARENTS ASSOCIATION**, an
unincorporated association, and
**CONCERNED PARENTS
ASSOCIATION**, an unincorporated
association,

Plaintiffs,

v.

**CALIFORNIA DEPARTMENT OF
EDUCATION**, and DOES 1 through 5,

Defendants.

: **CASE NO. 2:211-CV-03471-KJM-AC**

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: **JUDGE: KIMBERLY J. MUELLER**

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NOTICE OF DISCLOSURE OF STUDENT RECORDS

This is a message from the United States District Court in the case identified above.

This notice may apply to you if you are: the parent or guardian of a child (including an infant) with disabilities; the parent or guardian of a student who is attending or attended a California school at any time since January 1, 2008; or a person over the age of eighteen who is attending or attended a California school at any time since January 1, 2008.

NATURE OF THE LAWSUIT

The Plaintiffs in this lawsuit, Morgan Hill Concerned Parents Association and Concerned Parents Association, are not-for-profit associations comprised of parents and guardians of children with disabilities. Plaintiffs allege that the Defendant, the California Department of Education (CDE), has violated the Individuals with Disabilities Education Act (“IDEA”), among

other related laws, by failing to monitor, investigate, provide services to, and enforce the rights of children with disabilities consistent with its obligations under the law. The Defendant denies these allegations.

REQUEST FOR DOCUMENTS

As part of this lawsuit, and in order to prove their claims, Plaintiffs have requested that the California Department of Education (CDE) disclose **subject to a Protective Order discussed below**, information that it stores on databases and network drives that contain protected personal information of children, including children with disabilities, children who requested an assessment or who were assessed for special education eligibility, and children who are attending, or who have attended, a California school at any time since January 1, 2008. Examples of information that is stored on CDE's databases and network drives includes name, social security number, home address, demographics, course information, statewide assessment results, teacher demographics, program information, behavior and discipline information, progress reports, special education assessment plans, special education assessments/evaluations, Individualized Education Programs (IEPs), records pertaining to health, mental health and medical information, student statewide identifiers (SSID), attendance statistics, information on suspensions and expulsions, and results on state tests.

STUDENTS' ENTITLEMENT TO CONFIDENTIALITY

The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g(b) and 34 C.F.R. §99.31(a)(9)(ii), and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, et seq., are federal laws that protect the privacy of student records. These laws permit the disclosure of these records to comply with a Court order.

THIS COURT'S ORDERS

On May 5, 2014, the Court issued a Protective Order that prevents any party from disclosing confidential information acquired in the course of the lawsuit, including student records, to anyone other than the parties, their attorneys and consultants, and the Court. None of the information may be used outside the context of this lawsuit, and the parties are required to either return or destroy the confidential records at the conclusion of the lawsuit. **No student's identifying records will be disclosed to the public.**

CONSENT AND OPPORTUNITY TO OBJECT

If you do not object to the disclosure of the information described above, you do not have to do anything.

If you object to the disclosure of your or your child's protected personal information and records, you must notify the Court by April 1, 2016, in one of two ways.

First, you may print out and complete the "Objection to Disclosure of Student Information and Records Case No. 2:11-CV-03471" form at the CDE's website www.cde.ca.gov/morganhillcase, and mail your objection to the Court at the address below.

Second, you may write a confidential letter to the Judge, including the name of the student on whose behalf you are writing, your name and relationship to the student, the student's date of birth, county, school district, and school, and, if you wish, the basis of your objection.

2. If you write a letter, on the first page of your letter, write in large or underlined letters: **"TO BE FILED UNDER SEAL"** and **"OBJECTION TO DISCLOSURE OF STUDENT INFORMATION AND RECORDS, CASE NO. 2:11-CV-03471."**

3. Mail your letter or objection form to:

The Honorable Kimberly J. Mueller

c/o Clerk of the Court

U. S. District Court for the Eastern District of California

501 I Street, Room 4-200

Sacramento, CA 95814

Attn: DOCUMENT FILED UNDER SEAL

If you are the parent or guardian, you must state in the objection the relationship that you have with the affected child or student.

DO NOT CALL THE COURT. THE COURT WILL NOT ACCEPT PHONE CALLS ABOUT THIS MATTER. YOUR OBJECTIONS MUST BE SENT TO THE COURT IN WRITING.

Failure either to submit a Objection Form or letter to the Court by April 1, 2016 will be deemed a waiver of your right to object to the disclosure of your or your child's protected personal information and records as described above.

All objections will be maintained by the Court under seal, which means they will not be available to the public.

FILED UNDER SEAL

**OBJECTION TO DISCLOSURE OF STUDENT
INFORMATION AND RECORDS**

I, the undersigned, being a parent/guardian, or an adult student who is eighteen (18) years of age or older, object to the disclosure by the California Department of Education of protected personal information contained in records of my/my child's student records in the lawsuit entitled, *Morgan Hill Concerned Parents Association, et al. v. California Department of Education*, USDC-Eastern District of California, Case No. 2:11-cv-03471-KJM-AC:

Name of Parent/Guardian: _____

Name of Student: _____

Date of Birth: _____

County: _____

School District: _____

School: _____

Comments (optional)

Signature of Parent/Guardian or
Adult Student/Former Student

Date: _____

This form (or the information contained in this form) must be sent via regular mail to:

United States District Judge Kimberly J. Mueller
c/o Clerk of the Court
Robert T. Matsui United States Courthouse
501 I Street, Room 4-200
Sacramento, CA 95814
Attn: Document Filed Under Seal

This objection form must be submitted to the Court by April 1, 2016