

CLIENT NEWS ALERT

Notice of Disclosure of Student Records

February 2016

The California Department of Education ("CDE") recently sent an alert to school districts, charter schools and special education local plan areas ("SELPA") describing a pending court action and requesting that certain information be posted on their websites. The court action involves student records and the posting is intended to notify families of relevant Family Educational Rights and Privacy Act ("FERPA") provisions. In addition to posting the specific information and link requested by the CDE, additional information may need to be included in order to meet all of the requirements of FERPA.

In the court action, *Morgan Hill Concerned Parents Ass'n v. Cal. Dep't of Educ.* (E.D. Cal. January 26, 2016) Case No. 2:11-cv-3471, 2016 U.S. Dist. LEXIS 8952, two organizations filed a lawsuit against the California Department of Education (CDE) alleging widespread, systemic non-compliance by local education agencies with the IDEA and Section 504. As part of the pending litigation discovery process, the court has ordered the CDE to produce documents and data that contain personally identifiable information of students and former students, including students with and without disabilities.

The court order also provides that families may object to the disclosure of their students' records. The deadline for filing the objection is April 1, 2016. The CDE's information includes a link to the form and instructions for filing such an objection.

If you have any questions regarding the CDE's alert or how best to convey the information to families in compliance with the FERPA notification requirements, please contact one of our nine offices located statewide. You can also visit our website, follow us on Facebook or Twitter, or download our Client News Brief App.



Harold M. Freiman
Partner
Walnut Creek Office
hfreiman@lozanosmith.com



Ruth E. Mendyk
Partner
Fresno Office
rmendyk@lozanosmith.com



Anahid Hoonanian
Senior Counsel
Los Angeles Office
ahoonanian@lozanosmith.com

LS Lozano Smith
ATTORNEYS AT LAW

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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