

# 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](#).



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*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.*