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February 19, 2016

Dear Parents and Guardians,

The California Department of Education (CDE) is currently engaged in litigation with two non-profit associations comprised of parents and guardians of children with disabilities. The plaintiffs in that litigation have requested numerous documents, as well as student data collected and stored by the CDE, which may include personally identifiable student information.

To comply with the Family Educational Rights and Privacy Act (FERPA), CDE has been ordered, among other things, to inform parents and students of the disclosure of such information. **CDE has requested that school districts and SELPAs post a link to the CDE's website: <http://www.cde.ca.gov/morganhillcase>. The link provides a Notice and Objection form to allow parents to object, by April 1, 2016, to the disclosure of personally identifiable information related to their children.**

Understand that the district is not a party to the litigation and is not required to disclose any student information, nor do we intend to.

For more information, please contact the CDE directly at [\(916\) 319-0800](tel:9163190800).

Thank you for your time in reading this important announcement.

Most Sincerely,

A handwritten signature in cursive script that reads "Cheryl Olson".

Cheryl Olson



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CALIFORNIA DEPARTMENT OF EDUCATION  
**NEWS RELEASE**

**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

Release: #16-15  
February 17, 2016

Contact: Peter Tira  
E-mail: [communications@cde.ca.gov](mailto:communications@cde.ca.gov)  
Phone: 916-319-0818

## Superintendent Torlakson Voices Strong Support for Protecting Student Privacy and Explains Ways to Object to Disclosure of Student Data

SACRAMENTO— State Superintendent of Public Instruction Tom Torlakson reiterated his strong commitment to student privacy today, calling it a top priority of his administration. "We have fought vigorously to protect students' privacy rights and will continue that fight," he said.

As part of that commitment and to comply with a court order, Torlakson reminded parents, guardians, and some former students over 18 that they can object to the release of personally identifiable information to plaintiffs in a court case, *Morgan Hill Concerned Parents Association vs. California Department of Education*.

Plaintiffs in the case have sought numerous documents and data stored in databases maintained by the California Department of Education (CDE). U.S. Federal Judge Kimberly Mueller has issued an order allowing parents, guardians, and former students over the age of 18 to object, but has required any objection to be submitted to the court by April 1.

The court order can be found here: [Notice of Disclosure of Student Records \(PDF\)](#).

A person can object by printing out, completing, and mailing to the court the "Objection to Disclosure of Student Information and Records Case No. 2:11-CV-03471" form at the CDE's Web site at [Objections to Disclosure of Student Records](#).

Alternatively, a parent, guardian, or former student can write a confidential letter to the judge, including the name of the student on whose behalf the letter is written, the author's name and relationship to the student, the student's date of birth, county, school district, and school, and, if desired, the basis of your objection.

Letters or Objection forms should be mailed 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.

The court has said that it will not provide the student data to the plaintiffs unless it determines that plaintiffs have the ability to secure it. In addition, if the court does decide the student data should be produced by the CDE and turned over to the plaintiffs, it will only be available to the parties, their consultants, and the courts.

During the course of the lawsuit, the CDE has consistently fought requests by the plaintiffs to produce documents that contain the personally identifiable information of students and has produced documents with that information removed.

As just one example, last year CDE staff provided plaintiffs with all the information from a California Special Education Management Information System database (CASEMIS), which includes records of special education students and those being tested for special needs, but with personally identifiable information removed.

Despite that, however, plaintiffs continued to seek student information in this database with personally identifiable information.

The court order came as the result of a lawsuit filed by two organizations, the Morgan Hill Concerned Parents Association and the Concerned Parents Association, against the CDE in April 2012, alleging systemic non-compliance by local educational agencies with the Individuals with Disabilities Act. The CDE denies these allegations.

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**Tom Torlakson — State Superintendent of Public Instruction**  
**Communications Division, Room 5206, 916-319-0818, Fax 916-319-0100**

Last Reviewed: Wednesday, February 17, 2016

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