



San Benito County Office of Education

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Court orders California Department of Education to disclose student information to litigants

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A federal district court has ordered the California Department of Education to disclose personal student information – including documents and data dating back to 2008 – to plaintiffs who initiated a lawsuit against the state agency.

The CDE has more information and a form to register objections on this webpage, but here's some additional background on the case:

In April 2012, the Morgan Hill Concerned Parents Association and the Concerned Parent Association filed suit against the California Department of Education, alleging non-compliance of special education laws by local educational agencies. The suit alleges the CDE failed to monitor, investigate and correct the non-compliance in accordance with the law.

The CDE has denied these allegations and says it is actively defending against the litigation. Nevertheless, as part of the discovery process, the state department has been ordered to produce all data collected on general and special students who have attended a California school at any time since Jan. 1, 2008.

The CDE says it contested the release of student information but to no avail. The court has, however, prohibited the plaintiffs and their attorneys from sharing confidential material with anyone outside the case. In other words, no student records are to be disclosed to the public.

You may already know that the Family Educational Rights and Privacy Act, or FERPA, was designed to protect student privacy, and it generally requires parental consent before an educational agency may disclose personal data. But there are exceptions, including court orders.

Examples of information that is stored on CDE's databases and network drives include names, social security numbers, addresses, demographics data, course information, assessment results and behavior and discipline records.

To comply with FERPA laws, the CDE is required to inform parents and students of the disclosure, and in fact the department is asking school districts and other educational agencies throughout the state to post the following link on their websites: <http://www.cde.ca.gov/morganhillcase>.

The link includes the official notice, as well as an objection form that parents can fill out and mail before April 1. There's also a number to contact the CDE with additional questions.

