



LAW OFFICES OF YOUNG, MINNEY & CORR, LLP

SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO ■ WALNUT CREEK

## UPDATE TO FEBRUARY 18, 2016 LEGAL ALERT

### *Judge Orders Stricter Protections Related to Student Data Released In Response to Subpoena*

MORGAN HILL CONCERNED PARENTS ASSN. V. CAL. DEPT. OF ED  
NOTICE OF DISCLOSURE OF STUDENT RECORDS  
FERPA NOTICE AND OBJECTION FORM

The U.S. District Court issued a court order on March 1, 2016, in response to the influx of parental objections to the release of their student's data to the Plaintiff's in the Morgan Hill Concerned Parents Association v. California Department of Education matter. In response to the objections, the court ordered that the CDE maintain custody of the most sensitive of its databases, the California Longitudinal Pupil Achievement Data System (CALPADS), while running searches for information requested by the plaintiffs. The court also reiterated that no student personally identifiable information may be released to the plaintiffs unless and until they demonstrate to the satisfaction of the court that the method to be used to store the sensitive student data is secure. The parties are still litigating the extent of the disclosure of student data.

Parents, guardians and former students over 18 have the opportunity to object to the data release by printing out, completing, and mailing to the court the Objection to Disclosure of Student Information and Records form or sending a confidential letter to the judge. Instructions and the objection forms are available at the [CDE Morgan Hill Case Web Site](#). The forms and letters are due by April 1, 2016. Please see our February 18, 2016 legal alert for additional information.

Judge Mueller's March 1 order made clear that the objection forms are not a means to "opt-out" of any data release. The court also noted that it "has not and cannot realistically review the objections individually" due to the volume of the objections it has received. Therefore, the court will consider "the objections in bulk as objecting strongly to public disclosure of personal identifying information contained in the CDE's educational records."

The March 1, 2016, court order can be accessed at the following link:  
<http://www.cde.ca.gov/re/di/ws/documents/morganhillcaseorder.pdf>

If you have any questions regarding this Legal Alert, please feel free to call or email Lisa Corr at 916-646-1400 or [lcorr@mycharterlaw.com](mailto:lcorr@mycharterlaw.com)