

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DOE, *et al.*,

Plaintiffs,

vs.,

STATE OF OHIO, *et al.*

Defendants.

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CASE NO.: 2:91-cv-00464

JUDGE: WATSON

MAGISTRATE JUDGE: KEMP

**NOTICE TO PARENTS AND/OR GUARDIANS FROM FEDERAL COURT
REGARDING RELEASE OF EDUCATIONAL INFORMATION HELD BY THE OHIO
DEPARTMENT OF EDUCATION:**

This is a message from the U.S. District Court in the case identified above. This notice may apply to you if you are a student or the parent or guardian of a student enrolled in an Ohio public school since 2013.

The purpose of this notice is to inform you that, as part of a lawsuit related to funding for special education, a request has been made to the Ohio Department of Education for educational information regarding individual Ohio public school students. The purpose of this notice is to inform you about the request, about the information to be disclosed, and about your right to object to the disclosure of the information.

The information that will be provided includes data for all Ohio students attending a school district or community school for the 2013/2014 school year. Some examples of the types of data include: a student identifying number; demographic information, such as school, grade, gender, race, age, and disability category; attendance statistics; information on suspensions and expulsions; and results on state tests such as the Ohio Graduation Tests, the Ohio Achievement Assessments, and the Third Grade Reading Guarantee. **Your student's name, address, and**

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social security number will not be disclosed because the Ohio Department of Education does not possess that information. Once disclosed, the information is protected by an order of the court, and cannot be used for any purpose other than this litigation. No information will be disclosed beyond the participants in the litigation in a way that allows an individual student to be identified.

LAWSUIT AND REQUEST FOR EDUCATIONAL INFORMATION BY PLAINTIFFS

Disability Rights Ohio, a not-for-profit organization that represents persons with disabilities, has filed a class action lawsuit against the State of Ohio for a class consisting of all disabled students in Ohio public schools and disabled students seeking enrollment in Ohio public schools. The lawsuit challenges the way that Ohio funds the provision of special education services and other related services.

As part of the lawsuit, Plaintiffs have requested that the Ohio Department of Education disclose information that it stores in the Educational Management Information System, or "EMIS," which is a statewide data collection system for Ohio's primary and secondary education. Examples of EMIS data includes student statewide identifiers (SSID); demographic information, such as school, grade, gender, race, age, and disability category; attendance statistics; information on suspensions and expulsions; and results on state tests such as the Ohio Graduation Tests, the Ohio Achievement Assessments, and the Third Grade Reading Guarantee. EMIS does not include students' names, addresses, or social security numbers.

The Court presiding over this matter has determined that some or all of the information that the Plaintiffs seek from EMIS may be relevant to the claims and defenses in this lawsuit and has ordered the Ohio Department of Education to provide this information to Plaintiffs. However, under the Family Educational Rights and Privacy Act

(“FERPA”), a federal law relating to education records, and under Ohio law, the information sought by Plaintiffs is confidential and generally cannot be disclosed without the permission of the person who the information is about. Education information that is protected by FERPA may, however, be disclosed without permission under Court Order. Before educational information may be released, affected students and parents must be provided notice that the information will be disclosed and be allowed an opportunity to object to the disclosure of such information.

CONSENT AND OPPORTUNITY TO OBJECT

If you do not object to the disclosure of information described above, you do not have to do anything.

If you object to the disclosure of information described above and you want to inform the Judge of your objection, you must do all of the following:

1. Write a letter to the Judge telling him what you object to;
2. On the first page of your letter, write in large or underlined letter: “OBJECTIONS TO DISCLOSURE OF FERPA INFORMATION IN DOE V. STATE, Case No. 91-464.”

3. Mail your letter to:

Clerk’s Office: Judge Watson’s Docket
U.S. Courthouse
85 Marconi Boulevard
Columbus, Ohio 43215

A parent or guardian may object on behalf of a minor student, but must state in the objection the relationship that he or she has with the affected minor student.

DO NOT CALL THE COURT. THE COURT WILL NOT ACCEPT PHONE CALLS ABOUT THIS MATTER. YOU MUST SUBMIT YOUR OBJECTIONS IN

WRITING.

You may also include your contact information such that the Court or the parties' counsel may contact you to discuss your concerns.

Objections must be received no later than September 12, 2014. All objections will be maintained by the Court under seal, which means they will not be available to the public, but they will be available to the parties' attorneys.