



[Home](#) / [Newsroom](#) / [News Releases](#) / [Year 2016](#)



CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASE

TOM TORLAKSON
State Superintendent
of Public Instruction

Release: #16-18
March 4, 2016

Contact: Peter Tira
E-mail: communications@cde.ca.gov
Phone: 916-319-0818

Schools Chief Tom Torlakson Applauds Federal Court Order Strengthening Student Privacy Protections in Morgan Hill Case

SACRAMENTO—State Superintendent of Public Instruction Tom Torlakson today applauded a federal court order strengthening protections for student data in the case of *Morgan Hill Concerned Parents Association vs. California Department of Education*.

"The court has heard loud and clear from California's families that they want their students' privacy protected. This is a good first step. The court responded to these concerns and ordered additional measures to safeguard data," Torlakson said. "The California Department of Education will continue to fight vigorously to protect student privacy rights as this case proceeds."

In her March 1 order, U.S. District Court Judge Kimberly Mueller noted the large number of objections to the potential release of student data received by the court following the posting of the Notice of Disclosure of Student Records on February 1. 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.

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 court will maintain the objection forms in sealed boxes in a secure room at the federal court building in Sacramento.

The March 1 court order follows a February 29 special status hearing in the lawsuit filed by two organizations, the Morgan Hill Concerned Parents Association and the Concerned Parents Association, against the CDE that dates to 2011 alleging systemic failure by the CDE to monitor the provision of special education by school districts, in violation of the Individuals with Disabilities Education Act (IDEA). The CDE denies these allegations.

###

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

Last Reviewed: Friday, March 4, 2016
