

J.L., ET AL. V. N.Y. CITY DEP'T OF EDUC., ET AL., 17-CV-7150 (WHP) (KHP)

NOTICE OF POTENTIAL DISCLOSURE OF STUDENT RECORDS

Please read this notice carefully. This is a message from the United States District Court about the disclosure in a lawsuit of documents that might have information about your child.

Translations in Spanish, Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, and Urdu are available at: <https://infohub.nyced.org/in-our-schools/translations/special-education>.

NATURE OF THE LAWSUIT

In the lawsuit, *J.L. v. NYC DOE*, the plaintiffs are three students with disabilities and their parents. The plaintiffs claim that the NYC Department of Education violated their rights under the Individuals with Disabilities Education Act (and other related laws) because of systemic delays in providing them coordinated nursing, transportation, and porter services, all of which the students need for them to attend school. The NYC Department of Education denies these allegations.

Plaintiffs are represented by Advocates for Children of New York, <https://www.advocatesforchildren.org/>, (866) 427-6033, and Greenberg Traurig, LLP, <https://www.gtlaw.com/en>.

REQUEST FOR DOCUMENTS

As part of this lawsuit, Plaintiffs are asking the NYC Department of Education to produce certain documents that might have protected personal information about students, including your child. Some examples of requested documents include requests by parents for nursing services, porter services and/or transportation accommodations (like a nurse on the bus). If you are a current or former student, or the parent or guardian of a student, who **received or asked for nursing services, porter services and/or a transportation accommodation between August 1, 2015 and December 1, 2019, your records or your child's records may be produced.**

If the NYC Department of Education produces your or your child's records, the records will be kept private and only the **parties' attorneys, their experts, and the Court will be able to see them.** The parties have entered into a court-ordered Confidentiality Agreement, which means that **no student's records will be disclosed to the public or to any other student or parent.**

STUDENTS' ENTITLEMENT TO CONFIDENTIALITY

You have an opportunity to object to the production of any documents concerning you or your child in this case. The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g(b) and 34 C.F.R. § 99.31(a)(9)(ii), and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, *et seq.* are federal laws that protect the privacy of student records. These laws allow the disclosure of these records pursuant to a court order, so long as the school district makes a reasonable effort to notify students and parents before disclosing the records and provides them with an opportunity to object to the production of Protected Personal Information contained in these records.

If, after notice, a parent and/or student objects, the documents may be produced, but Protected Personal Information will be removed so that the information is not seen by the Plaintiffs' attorneys. Protected Personal Information includes student names; parent and guardian names (including maiden names of mother); names of family members; social security numbers; home addresses; home phone numbers; and date and place of birth.

HOW TO OBJECT

This Notice does not affect any of your rights or your child's rights in any other matter you may have against the NYC Department of Education.

You are free to object to the disclosure of your or your child's records. If you have an attorney or advocate assisting you, you may want to speak with an attorney about this Notice.

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

If you do object to the disclosure of the information described above, you must: Complete the "Objection to Disclosure of Student Information and Records Case No. 17-CV-7150" form attached to this Notice or found at the <https://www.schools.nyc.gov/learning/special-education/help>, and either (1) email it to the Court at Parker_NYSDChambers@nysd.uscourts.gov with a request in the email to "file under seal" (keep the objection private), or (2) mail it to the Court at the following address:

The Honorable Katharine H. Parker
c/o Clerk of the Court
Southern District of New York
500 Pearl Street
New York, NY 10007
Attn: DOCUMENT FILED UNDER SEAL

ALL OBJECTIONS MUST BE RECEIVED BY THE COURT BY AUGUST 31, 2020.

DO NOT CALL THE COURT. THE COURT WILL NOT ACCEPT PHONE CALLS ABOUT THIS MATTER.

If you would like more information about how to object to the disclosure of your child's records (or your records if you are over eighteen), or if you need a translation of this Notice, please visit <https://infohub.nyced.org/in-our-schools/translations/special-education>.

If you do not submit an objection form by August 31, 2020, you are considered to have waived your right to object to the disclosure of the student's information and records containing Protected Personal Information. If you do object, the Court will keep a record of your objection private ("under seal").

FILED UNDER SEAL

**OBJECTION TO DISCLOSURE OF STUDENT
INFORMATION AND RECORDS**

I am a parent, guardian, or adult student who is eighteen (18) years of age or older.

I have read and understand the Notice of Potential Disclosure of Student Records.

I OBJECT to the disclosure of educational records and protected personal information¹ contained in documents in the possession of the New York City Department of Education in connection with the lawsuit entitled, *J.L., et al. v. N.Y. City Dep't of Educ., et al.*, Southern District of New York, Case No. 17-CV-7150 (WHP) (KHP):

Please write clearly.

Name of Parent/Guardian: _____

Name of Student(s): _____

Student's Date of Birth: _____

Student ID #: _____

School last attended: _____

Address: _____

Date

Signature of Parent/Guardian or
Adult Student/Former Student

This form must be sent by either (1) email to Parker_NYSDChambers@nysd.uscourts.gov with a request in the email to "file under seal," or (2) postal mail to:

The Honorable Katharine H. Parker
c/o Clerk of the Court
Southern District of New York
500 Pearl Street
New York, NY 10007
Attn: DOCUMENT FILED UNDER SEAL

This objection form must be received by the Court by August 31, 2020.

¹ "Protected Personal Information" includes but is not limited to: student names; parent and guardian names (including maiden names of mother); names of family members; social security numbers; home addresses; home phone numbers; and date and place of birth.