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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORGAN HILL CONCERNED  
PARENTS ASSOCIATION, an  
unincorporated association, and  
CONCERNED PARENTS  
ASSOCIATION, an unincorporated  
association,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION and DOES 1 through 5,

Defendants.

No. 2:11-cv-03471-KJM-AC

ORDER

On its own motion, the court sets a special status to discuss the public posting of the FERPA notice and information on the public’s response to that posting that has come to the court’s attention. The special status is set **for Friday, February 26, 2016, at 11 a.m.** in Courtroom 3 on 15<sup>th</sup> Floor of the Robert T. Matsui U.S. Courthouse.

By the close of business on **Wednesday, February 24, 2016**, the parties shall file separate statements, which may be in the form of sworn declarations with attachments, responding to the following statements:

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1. What information with respect to the required FERPA notice was available on the CDE website prior to February 17, 2016? If the information appeared in different forms between February 1 and 17, 2016, what were those different forms? What do screenshots of the website(s) containing the notice for this time period show for each different iteration of the website?
2. Was the Spanish translation of the notice prepared by a certified interpreter, and if so, what certification standards did that interpreter possess?
3. What information do the parties possess to explain why a member of the public received a notice alerting that person of Identity Theft Risk, apparently generated based on the notice? *See* ECF No. 154 (e-mail received at judge's private e-mail address to which judge has not responded, with sender and receiver e-mail addresses redacted).
4. What information has the CDE provided to persons calling the phone number appended to the notice? If a script has been provided to CDE employees or representatives for use in answering questions from callers, what is the content of that script?
5. In addition to posting the notice on the CDE webpage, what other efforts has CDE, or any of its employees or agents, undertaken to distribute the notice or the Secretary of Education's February 17, 2016 press release to the public?
6. What messages have plaintiffs distributed to members of the public regarding the notice? What do copies or screenshots of those messages look like, with dates and methods of distribution?
7. What information have plaintiffs provided to persons contacting them about the notice? If a script has been provided to plaintiffs' employees or representatives for use in answering questions, what is the content of that script?

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In addition to providing written information to the questions posed above, the parties shall come to the special status prepared to address: (1) whether the notice has been rendered ineffective by virtue of incomplete or misleading messages that have been and are being conveyed about the notice, its purpose, and its context within this litigation; (2) what weight if any the court can give to objections being filed based on incomplete or misleading messages; and (3) whether the events triggered by the notice require reconsideration of the methods required to allow discovery to proceed so as to allow fair and just litigation of this case.

IT IS SO ORDERED.

DATED: February 21, 2016.

  
UNITED STATES DISTRICT JUDGE