

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:19-CV-24745-CANNON/O'Sullivan

ADRIAN DOMINGUEZ,

Plaintiff,

vs.

THE DISTRICT BOARD OF TRUSTEES  
OF MIAMI DADE COLLEGE,

Defendant.

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**AMENDED ORDER ON THE DISCLOSURE OF STUDENT PROTECTED  
INFORMATION**

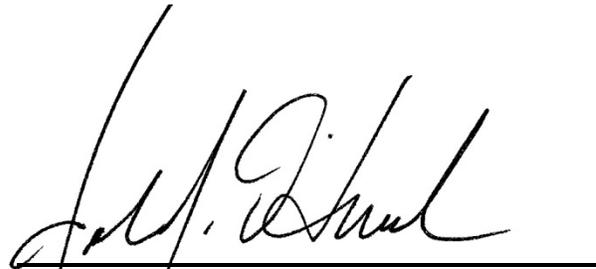
THIS MATTER alleging violations of the American with Disabilities Act and Rehabilitation Act is before the Court where a dispute arose on the language in the previous order entered on December 4, 2020. [ECF No. 54].

Consistent with the prior Order, the disclosure of requested information pertaining to students at MIAMI DADE COLLEGE (“MDC”) is confidential under the Family Educational and Privacy Right Act (“FERPA”) 20 U.S.C § 1232g or Florida Statute § 1006.52. Florida Statute § 1006.52(2)(a) states that “a public postsecondary educational institution may not release a student’s education records without the written consent of the student to any individual, agency, or organization, except in accordance with and as permitted by the FERPA.” Pursuant to FERPA, 20 U.S.C. § 1232g and its implementing regulations 34 C.F.R. § 99.31(a)(9)(i)-(ii), an educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure “is to comply with a judicial order or lawfully issued subpoena,” but only “if the agency or institution makes a reasonable effort

to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action...”

**ACCORDINGLY**, the Court hereby authorizes the District Board of Trustees of Miami Dade College, Florida (“MDC”) to identify the students enrolled in CGS 1060 in the Summer 2019 semester at MDC by disclosing their names, and last known address(es), phone number(s), email address(es) pursuant to this Order. MDC shall be granted two (2) days upon entry of this Order to send reasonable notice to the affected students. The affected students will then have seven (7) calendar days (five (5) business days) to seek protective action prior to the disclosure in order for MDC to comply with FERPA. All information ordered herein is subject to the same terms of confidentiality from the Court’s previous Order.

DONE AND ORDERED in chambers in Miami, Florida, this 7<sup>th</sup> day of  
January 2021.

A handwritten signature in black ink, appearing to read "John J. O'Sullivan", written over a horizontal line.

JOHN J. O'SULLIVAN  
CHIEF U.S. MAGISTRATE JUDGE