

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

NOTICE OF RELEASE OF INFORMATION

The *Family Educational Rights and Privacy Act* (FERPA), 20 U.S.C. §1232G, a Federal law, requires a child's parent or guardian to provide written consent prior to the disclosure of personally identifiable information from a child's education records. Prior consent is not necessary, however, if the information also may be disclosed pursuant to a court order. The court, in *Martinez et al. v. New Mexico*, and *Yazzie, et al., v. New Mexico*, has issued a protective order requiring all parties to provide educational records regarding all public school students in New Mexico to attorneys representing the State of New Mexico, school districts, students, and parents in the lawsuit and that the records be kept secure. Las Cruces Public Schools (LCPS) is providing the records in compliance with that order. **The records WILL NOT RESULT in the public disclosure of any student names, addresses, social security numbers, unique identifying identification numbers, the student's date of birth or any other individually identifying information.** The information includes information on standardized test performance, graduation plans, and participation in educational programs such as bilingual education and special education. The information will be used only by the attorneys and their consulting and testifying experts, and anyone who has access to the data is prohibited from attempting to use it to identify individual students. **The information will not be used for any other purpose and will not be used to contact any student nor any parent or legal guardian of any student.**

The parties, including the Defendant New Mexico Public Education Department (NMPED), the Plaintiff public school districts, and non-parties subject to the subpoena will begin providing the information to attorneys representing the plaintiffs and defendants beginning on or after October 30, 2015, and will provide the public at least fourteen (14) days' notice before such disclosure. If you do not want NMPED or LCPS to include information for your child, or provide your child's educational records in the production, you must file written objection in the First Judicial District of Santa Fe County, New Mexico, Judge Sarah Singleton, no later than fourteen (14) days following the publishing of the notice, 5:00 p.m. MST, and you must provide the reason(s) why your child's information should not be included in the production.