



We have the legal right of way.

SPECIAL EDUCATION:

Release of Student Records in *Doe v. State of Ohio* in Toledo, Cincinnati and Cleveland School Districts

What is *Doe v. State of Ohio*?

Doe v. State of Ohio is a class action lawsuit that was filed in federal court in 1993 as part of another lawsuit about funding and providing education in the State of Ohio. Disability Rights Ohio (formerly Ohio Legal Rights Service) became involved in the lawsuit on behalf of students with disabilities. Disability Rights Ohio's claims on behalf of students with disabilities are still in court.

Who did *Doe* sue?

The lawsuit is only against the State of Ohio (defendant), which includes those offices responsible for special education funding in Ohio's public schools: the Governor, General Assembly, State Superintendent, Ohio State Board of Education, and Ohio Department of Education. No school districts or individual schools are defendants in this lawsuit.

What is the purpose of *Doe*?

The goal of this lawsuit is to ensure that all Ohio public schools have sufficient resources to provide students with disabilities appropriate special education and related services.

What information is being released to Disability Rights Ohio?

Disability Rights Ohio requested student records for a sample of students with disabilities with IEPs selected randomly from a list of all students with disabilities with IEPs in the selected districts.

Parents of children whose records were randomly selected in this process will be receiving letters from their school districts in the coming weeks. If your child does not attend the Toledo, Cincinnati or Cleveland school districts or you did not receive a notice that your child's name was selected for the release of records to Disability Rights Ohio, your child's records are not being released.

If you received notice that your child's name was selected for the release of records to Disability Rights Ohio, your school district will provide the following records, if they exist, from your child's file for the 2011-12, 2012-13, 2013-14, and 2014-15 school years:

- Individualized Education Program (IEP) documents;
- Evaluation Team Reports (ETRs);
- Functional Behavior Assessments (FBAs);
- Behavior Intervention Plans (BIPs);
- Independent Educational Evaluations (IEEs);
- Manifestation Determination Review (MDR) documents;
- Attendance Records;
- Discipline Records;
- Transcripts; and
- Documents relating to investigations by and/or complaints filed with the U.S. Department of Education, Office for Civil Rights.

These records may be released with all information included, such as your or your student's name, address, telephone number and Social Security number.

Why does Disability Rights Ohio need this information?

Disability Rights Ohio needs this information to present a better, more complete picture to the Court of the actual services provided to students with disabilities in Ohio schools and the problems faced by students who need special education services.

How will this information be protected?

Your privacy and your student's privacy are important. The information that will be given to Disability Rights Ohio is protected by Court order and may only be used for this specific class action lawsuit. The information cannot be shared with anyone who is not specifically allowed by Court order to receive it. The information cannot be used for any other case or for any other purpose. In addition, the information must be stored securely, and when the case is completed, the information will be securely destroyed.

What if a parent or guardian objects to the release of this information?

If your child's name was selected and you have no objection to the release of this information, no action is required of you. However, if you do object to the disclosure of this information, you must do the following:

1. Write a letter to the Judge telling him you object to the release of the records.
2. On the first page of your letter, write in large or underlined print: "OBJECTIONS TO DISCLOSURE OF FERPA INFORMATION IN DOE V. STATE OF OHIO, Case No. 2:91-cv-00464;" and
3. Describe in your letter your relationship to the student (parent, guardian, etc.).
4. Identify the School District your child attends.

Mail your letter to:

Clerk's Office: Judge Watson's Docket

U. S. Courthouse

85 Marconi Boulevard

Columbus, Ohio 43215

All objections must be in writing. The Court will not accept phone calls.

If you choose to object, **your letter must be received within 10 business days from the date on your letter.** Even if you object, the Court may rule on the objections received and may still order your child's district to release the above-listed records to Disability Rights Ohio. **Your student's records will not be publicly disclosed (i.e. they will only be given to participants in this case) and your student's privacy will be protected by a court order.**

How can a parent or guardian obtain additional information about this issue?

If you have questions about this issue and want more information, you may contact Disability Rights Ohio's Intake Department at 800-282-9181 and select option 2.