

K.L., THROUGH HER PARENT L.L. ON BEHALF OF A CLASS OF THOSE  
SIMILARLY SITUATED, VS. RHODE ISLAND COUNCIL ON ELEMENTARY  
AND SECONDARY EDUCATION, C.A. 14-77S-WES-LDA

**NOTICE OF POTENTIAL DISCLOSURE OF STUDENT RECORDS**

**Please read this notice carefully. This is a message from the United States District Court in the case identified above. Attorneys, representing children with disabilities in a class action lawsuit concerning the provision of special education and related services to you are seeking access to your student records.**

These records are covered by a Confidentiality Agreement between the parties and will not be disclosed to anyone other than the parties' attorneys, their experts, and the Court. No student's records will be disclosed to the public or to any other student or individual without your express consent or the consent of your lawfully appointed guardian or legal representative.

This notice applies to you if you are a former student in a Rhode Island school and all of the following conditions are met: 1.) You had an Individualized Education Program ("IEP") prepared by one of the schools in Rhode Island; 2.) Between February 10, 2012 and July 1, 2019, you had your eligibility for services under the IEP terminated before you reached the age of 22; and 3.) You did not graduate from the district with a regular high school diploma. If you exited from any school district in the State of Rhode Island prior to turning 22 years of age for any reason other than termination of services by the district, you are not a member of this Class and this Notice does not apply to you.

**NATURE OF THE LAWSUIT**

In the lawsuit, K.L. v. Rhode Island Council on Elementary and Secondary Education, the plaintiff is a "child" with a disability within the definitions of the IDEA. The Plaintiff has acted through her mother, a duly appointed guardian, in this matter. The Plaintiff represents a class of Rhode Island Students who had their eligibility for special educational and related services under the IDEA terminated. Their eligibility was terminated prior to the receipt of a regular high school diploma because they had reached the age of 21 or, in some instances, been denied extended school year services in the year in which they turned 21. Individuals may be entitled to compensatory education in this class to the extent they would have otherwise received special education or related services under an IEP up to the age of 22 and did not receive those services from the Rhode Island Schools from February 10, 2012 until July 1, 2019.

In this case, the parties and the court will be determining what, if any, compensatory education and related services should be provided to class members. Examples of what compensatory education or compensatory services might entail, subject to determination by the parties and the court, are the following: Additional educational assessments or evaluations, provision of tutoring, computer assisted learning aids, virtual learning programs, tuition assistance, general education diploma (GED) tutoring and fee

assistance, including potential reimbursement for fees or services that were paid for by the individual to obtain their GED, education related orientation and mobility services, interpreting services, occupational therapy, physical therapy, rehabilitation counseling services, psychological services, social work services, speech and language therapy, recreation, and transportation.

All members of the Plaintiff class are represented by the Law Offices of Sonja L Deyoe, [www.riedclass.com](http://www.riedclass.com), (401-864-5877), Disability Rights Rhode Island, [www.DRRI.org](http://www.DRRI.org) (401-831-3150), and Jason Kim, Esq. Schneider Wallace Cottrell Konecky, LLP (415) 421-7000. You may contact them with any questions you have about this notice.

### **REQUEST FOR DOCUMENTS**

As part of this lawsuit, Plaintiff, on behalf of each of the class members, seeks certain documents from the Rhode Island Department of Education and, by extension, the local educational agencies that contain protected personal information of student class members. "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 and/or SASID numbers; home addresses; home phone numbers; and date and place of birth. Examples of requested documents include: IEPs; impartial hearing records and transcripts; special education assessments and evaluations; periodic reviews; individual service plans; report cards and progress reports; and documents provided by a parent for the student's file. To ensure that the documents are kept strictly confidential and will only be viewed by the parties' attorneys, their experts, and the Court, the parties have entered into a court-ordered Confidentiality Agreement.

### **STUDENTS' ENTITLEMENT TO CONFIDENTIALITY**

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 permit the disclosure of these records pursuant to a court order, so long as the school district makes a reasonable effort to notify students before disclosing the records. You, however, have a right to know that your information has been disclosed.

### **NOTICE OF ADDITIONAL RIGHTS**

This Notice does not affect any of your rights in relation to this matter or any other matter you may have pending with the Rhode Island Department of Education or the Rhode Island Council on Elementary and Secondary Education. If a resolution of this matter results in a proposed settlement, the Court will again attempt to contact you and you will be allowed to file any objection that you have at that time to the settlement.

## **PRELIMINARY STATEMENT OF INTEREST**

All Counsel are requesting that you return the attached form to indicate your interest in participating in this class.

If you fail to fill out this form, it will not prevent you from participating in the class. Filling out this form and returning it will allow counsel to provide you information about the ongoing proceedings in the matter. It will also allow counsel to more accurately determine who may wish to proceed in the class so that adequate measures can be taken to ensure that any services that might be required under a latter proposed settlement agreement would be available to you.

## **REQUEST FOR MORE INFORMATION.**

If you would like more information about the disclosure of your “Protected Personal Information” and documents, the ongoing proceedings of the class, or if you need a translation of this Notice, please visit <https://www.schneiderwallace.com/rhode-island-idea-litigation/>. Translations in **Spanish, Arabic, Bengali, Cambodian, Chinese, French, Haitian Creole, Korean, Portuguese. Russian, and Urdu** are available at: <https://www.schneiderwallace.com/rhode-island-idea-litigation/>.