

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SHERRI ECCLESTON, et al.,**

**Plaintiffs,**

*- against -*

**PINE BUSH CENTRAL SCHOOL DISTRICT, et al.,**

**Defendants.**

**12 Civ. 2303 (KMK) (PED)**

**ORDER**

**PAUL E. DAVISON, U.S.M.J.:**

In order that defendant Pine Bush Central School District (“Defendant”) may comply with its discovery obligations pursuant to the Federal Rules of Civil Procedure, the Court hereby **ORDERS** Defendants to release to Plaintiffs certain educational records as defined and governed by the Family Education Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g. The records, which concern students who are not parties to this action and shall be produced without redaction of personal identification information, include disciplinary referrals and incident reports related to the allegations made and/or defenses raised in this action; handwritten notes containing information about nonparties that are related to the allegations made and/or defense raised; and records maintained through the CrossPointe Schools online electronic system, with redaction of events identified on the documents that are unrelated to the allegations made and/or the defense raised. FERPA provides for the release of educational records, including student records, without parental consent under limited circumstances, including issuance of a judicial order. § 1232g(b)(2)(B).

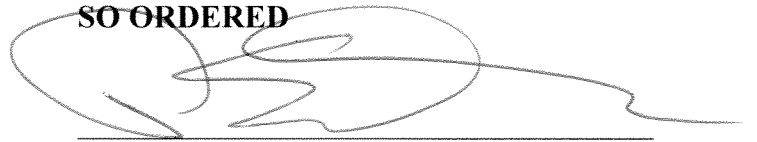
To ensure compliance with FERPA , and as a condition precedent to the release of these records to Plaintiffs, Defendants are **ORDERED** to notify either (a) the parent/guardian of the student, or (b) if the student is either 18 years old or attending an institution of post secondary

education, the student, of defendant's intention to release student records. Such notification shall be accompanied by a copy of this Order. No records shall be disclosed to Plaintiffs earlier than five (5) days after the notice ordered herein has been served.

It is further **ORDERED** that no student records shall be disclosed until a protective order covering the records has been entered by the Court. Counsel are directed to confer and thereafter submit a mutually agreeable proposed protective order.

Dated: January 10, 2013  
White Plains, New York

**SO ORDERED**

A handwritten signature in black ink, appearing to read 'Paul E. Davison', is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Paul E. Davison  
United States Magistrate Judge