

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

ALICE JOHNSON and NORMA LEROY, as
PARENTS, NATURAL GUARDIANS, and
NEXT FRIENDS OF A.S. and M.L., Minor
Children; ALICE JOHNSON, individually;
and NORMA LEROY, individually,

Plaintiffs,

vs.

CODY-KILGORE UNIFIED SCHOOL
DISTRICT, a Political Subdivision; ADAM
LAMBERT, in his individual capacity; and
MARVANNE LOGTERMAN,
in her individual capacity,

Defendants.

Case No. 4:21-CV-03103

**ORDER REGARDING DISCLOSURE
OF STUDENT RECORDS**

After holding a telephonic conference with the parties' counsel on April 28, 2022, and reviewing the parties' position statements and proposed Stipulated Protective Order,

IT IS ORDERED that Plaintiffs' requests for discovery shall adhere to the following conditions:

- 1) Plaintiffs may seek information from Defendant Cody-Kilgore Unified School District ("School District") regarding the grade level and Native/non-Native status of students and whether students were subject to a lice check and/or hair cut (whether one strand or more than one strand) by School District;
- 2) At this stage of the litigation, the School District will redact student names from the above-requested information and replace the names with a student number. All other Personally Identifiable Information as defined in 34 C.F.R. § 99.3 will be redacted;

- 3) If Plaintiffs later seek to have Personally Identifiable Information unredacted, they shall seek a separate Court Order.

The Court finds that disclosure of this information by School District is necessary for Plaintiffs to prove their claims and thus orders the information to be disclosed as provided in the Stipulated Protective Order.

IT IS FURTHER ORDERED, given the small number of Native students enrolled at the School District, and the possibility that disclosure of information about those students could allow them to be identified with reasonable certainty, Defendant School District shall provide notice to the students' parents/guardians, or to the students themselves if they are 18 years of age or older, pursuant to 20 U.S.C. § 1232g(b)(1)(B), before any documents are disclosed, as follows:

- 1) The School District shall, within ten (10) days from the date of this Order, serve and file a form of notice for this court's approval;
- 2) The notice shall contain:
 - a. The party's names;
 - b. A brief description of the nature of the above-captioned case;
 - c. A description of the information to be disclosed, the protective order, and who will have access to this information;
 - d. The names and addresses of the attorneys of each party;
 - e. The name and mailing address of the undersigned judge;
 - f. A time period and process for the person receiving the notice to object to the disclosure;
 - g. The date the information will be disclosed.

Dated this 5th day of May, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael D. Nelson", is written over a horizontal line.

Michael D. Nelson

United States Magistrate Judge