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RICHFIELD PUBLIC SCHOOLS

PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. §1232g, et seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and Minn. Rules Pts. 1205.0100 to 1205.2000.

III. DEFINITIONS

A. Dates of Attendance

Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

B. Dependent student.

For purposes of this policy, a dependent student is the dependent of a taxpayer, who:

1. has the same principal place of abode as the taxpayer for more than half of the taxable year; and
2. has not provided over one half of his/her own support for the calendar year; and
3. has not attained the age of 24.

C. Directory information.

1 Directory information means information contained in an education record of a
2 student which would not generally be considered harmful or an invasion of
3 privacy if disclosed. It includes, but is not limited to: the student's name, name
4 of school attended, dates of attendance, grade level, date of graduation,
5 participation in officially recognized activities and sports, weight and height of
6 members of athletic teams, degrees and awards received, as well as
7 photos/videotape (excluding security camera videos in schools and/or in
8 school buses) for school approved publications, school news purposes,
9 school video productions or local cable casts. It also includes name, address,
10 and telephone number of the student's parent(s). Directory information does
11 not include:

- 12
13 1. a student's social security number;
- 14
15 2. a student's identification number (ID), user ID, or other unique personal
16 identifier used by a student for purposes of accessing or communicating in
17 electronic systems if the identifier may be used to access education
18 records without use of one or more factors that authenticate the student's
19 identity such as a personal identification number (PIN), password, or other
20 factor known or possessed only by the authorized user;
- 21
22 3. a student ID or other unique personal identifier that is displayed on a
23 student ID badge if the identifier can be used to gain access to
24 educational
25 records when used in conjunction with one or more factors that
26 authenticate the student's identity, such as a PIN, password, or other
27 factor
28 known or possessed only by the student;
- 29
30 4. personally identifiable data which references religion, race, color, social
31 position, or nationality; or
- 32
33 5. data collected from nonpublic school students, other than those who
34 receive shared time educational services, unless written consent is given
35 by the student's parent or guardian.

36
37
38 D. Education records.

- 39
40 1. What constitutes "education records." Education records, means those
41 records which: (1) are directly related to a student; and (2) are
42 maintained by the school district or by a party acting for the school
43 district.
- 44
45 2. What does not constitute an education record. The term "education
46 records" does not include:
 - 47
48 a. Records of instructional personnel which:
 - 49
50 (1) are in the sole possession of the maker thereof; and

- (2) are not accessible or revealed to any other individual except a temporary substitute for the maker of the record; and
- (3) are destroyed at the end of the school year.

b. Records of a law enforcement unit located at the school provided the law enforcement records are:

- (1) maintained separately from education records;
- (2) maintained solely for law enforcement purposes; and
- (3) created by the law enforcement unit; and
- (4) disclosed only to law enforcement officials of the same jurisdiction.

c. Records relating to an individual, including a student, who is employed by the school district which:

- (1) are made and maintained in the normal course of business;
- (2) relate exclusively to the individual in that individual's capacity as an employee; and
- (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:

- (1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

e. Records that only contain information about an individual after they are no longer a student at the school district and that are not directly related to the individual's attendance as a student.

E. Eligible student.

Eligible student means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

F. Juvenile justice system.

1
2 Juvenile justice system includes criminal justice agencies and the judiciary
3 when involved in juvenile justice activities.

4
5 G. Legitimate educational interest.
6

7 Legitimate educational interest includes interest directly related to classroom
8 instruction, teaching, student achievement and progress, discipline of a
9 student, student health and welfare, and the ability to respond to a request for
10 education data. It includes a person's need to know in order to:

- 11
12 1. Perform an administrative task required in the school or employee's
13 contract or position description approved by the school board;
14
15 2. Perform a supervisory or instructional task directly related to the
16 student's education;
17
18 3. Perform a service or benefit for the student or the student's family such
19 as health care, counseling, student job placement or student financial
20 aid; or
21
22 4. Perform a task directly related to responding to a request for data.

23
24
25 H. Parent.
26

27 Parent means a parent of a student and includes a natural parent, a guardian,
28 or an individual acting as a parent of the student in the absence of a parent or
29 guardian. The school district may presume the parent has the authority to
30 exercise the rights provided herein, unless it has been provided with evidence
31 that there is a state law or court order governing such matters as marriage
32 dissolution, separation or child custody, or a legally binding instrument which
33 provides to the contrary.
34

35 I. Personally identifiable.
36

37 Personally identifiable means that the data or information includes, but is not
38 limited to: (a) a student's name; (b) the name of the student's parent or other
39 family member; (c) the address of the student or student's family; (d) a
40 personal identifier such as the student's social security number or biometric
41 record, if applicable; (e) a list of personal characteristics that would make the
42 student's identity easily traceable; (f) other information that, alone or in
43 combination, is linked or linkable to a specific student that would allow a
44 reasonable person in the school community, who does not have personal
45 knowledge of the relevant circumstances, to identify the student with
46 reasonable certainty; or (g) information requested by a person who the school
47 district reasonably believes knows the identity of the student to whom the
48 education record relates.
49

50 J. Record.
51

1 Record means any information or data recorded in any way including, but not
2 limited to, handwriting, print, computer media, video or audiotape, film,
3 microfilm and microfiche.

4
5 K. Responsible authority.

6
7 Responsible authority: Craig Holje, Chief HR and Administrative Officer (612-
8 798-6031)

9
10 L. Student.

11
12 Student includes any individual who is or has been in attendance, enrolled or
13 registered at the school district and regarding whom the school district
14 maintains education records. Student also includes applicants for enrollment
15 or registration at the school district, and individuals who receive shared time
16 educational services from the school district.

17
18 M. School official.

19
20 School official includes: (a) a person duly elected to the school board; (b) a
21 person employed by the school board in an administrative, supervisory,
22 instructional or other professional position; (c) a person employed by the
23 school board as a temporary substitute in a professional position for the
24 period of his or her performance as a substitute; and (d) a person employed
25 by, or under contract to, the school board to perform a special task such as a
26 secretary, a clerk, an attorney or an auditor for the period of his or her
27 performance as an employee or contractor; (e) application service provider in
28 performance of necessary functions of data collection, maintenance and
29 storage.

30
31 N. Summary data.

32
33 Summary data means statistical records and reports derived from data on
34 individuals but in which individuals are not identified and from which neither
35 their identities nor any other characteristic that could uniquely identify the
36 individual is ascertainable.

37
38 O. Other terms and phrases.

39
40 All other terms and phrases shall be defined in accordance with applicable
41 state and federal law or ordinary customary usage.

42
43 **IV. GENERAL CLASSIFICATION**

44
45 State law provides that all data collected, created, received or maintained by a
46 school district is public unless classified by state or federal law as not public or
47 private or confidential. State law classifies all data on individuals maintained by a
48 school district which relates to a student as private data on individuals. This data
49 may not be disclosed to parties other than the parent or eligible student without
50 consent, except pursuant to a valid court order, certain state statutes authorizing
51 access, and the provisions of 20 U.S.C. §1232g and the regulations promulgated

1 thereunder. Note: A subpoena does not suffice for release of educational data.
2 The requesting party must produce a valid court order.

3
4 **V. STATEMENT OF RIGHTS**

5
6 A. Rights of parents and eligible students.

7
8 Parents and eligible students have the following rights under this policy:

- 9
10 1. The right to inspect and review the student's education records;
11
12 2. The right to request the amendment of the student's education records
13 to ensure that they are not inaccurate, misleading or otherwise in
14 violation of the student's privacy or other rights;
15
16 3. The right to consent to disclosures of personally identifiable information
17 contained in the student's education records, except to the extent that
18 such consent is not required for disclosure pursuant to this policy, state
19 or federal law, or the regulations promulgated thereunder.
20
21 4. The right to refuse release of names, addresses, and home telephone
22 numbers of students in grades 11 and 12 to military recruiting officers
23 and post-secondary educational institutions;
24
25 5. The right to file a complaint with the U.S. Department of Education
26 concerning alleged failures by the school district to comply with the
27 federal law and the regulations promulgated thereunder;
28
29 6. The right to be informed about rights under the federal law; and
30
31 7. The right to obtain a copy of this policy at the location set forth in the
32 COPIES OF POLICY section of this policy.

33
34 B. Eligible students.

35
36 All rights and protections given parents under this policy transfer to the
37 student when they reach eighteen (18) years of age or enroll in an institution
38 of post-secondary education. The student then becomes an "eligible student."
39 However, the parents of an eligible student who is also a "dependent student"
40 are entitled to gain access to the educational records of such student without
41 first obtaining the consent of the student. In addition, parents of an eligible
42 student may be given access to education records in connection with a health
43 or safety emergency if the disclosure meets the conditions of any provision
44 set forth in 34 C.F.R. § 99.31(a).

45
46 C. Students with Disabilities

47
48 The school district shall follow 34 C.F.R. §§ 300.610-.617 with regard to the
49 confidentiality of information related to students with a disability.

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51 **VI. DISCLOSURE OF EDUCATION RECORDS**

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A. Consent required for disclosure.

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the school district shall provide them with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is authorizing to be disclosed;
 - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

- 1 f. specific as to the purpose or purposes for which the information
2 may be used by any of the parties named in clause e, both at the
3 time of the disclosure and at any time in the future; and
4
5 g. specific as to its expiration date which should be within a
6 reasonable time, not to exceed one year except in the case of
7 authorizations given in connection with applications for:
8

9 (1) life insurance or non-cancelable or guaranteed renewable
10 health insurance and identified as such, two years after the
11 date of the policy, or

12 (2) medical assistance under Minn. Stat. Ch. 256B or
13 Minnesota Care under Minn. Stat. Ch. 256L, which shall be
14 ongoing during all terms of eligibility, for individualized
15 education program health-related services provided by a
16 school district that are subject to third party reimbursement..

- 17 5. A signed and dated written consent may include a record and signature
18 in electronic format that (a) identifies and authenticates a particular
19 person as the source of the electronic consent; and (b) indicates such
20 person's approval of the information contained in the electronic consent.
21

22 B. Eligible student consent.

23
24 Whenever a student has attained eighteen (18) years of age or is
25 attending an institution of post-secondary education, the rights accorded
26 to and the consent required of the parent of the student shall thereafter
27 only be accorded to and required of the eligible student, except as
28 provided in the STATEMENT OF RIGHTS section of this policy.
29

30 C. Prior consent for disclosure not required.

31
32 The school district may disclose personally identifiable information from the
33 education records of a student without the written consent of the parent of the
34 student or the eligible student unless otherwise provided herein, if the
35 disclosure is:
36

- 37 1. To other school officials, including teachers, within the school district
38 whom the school district determines have a legitimate educational
39 interest in such records;
40
41 2. To officials of other schools or school districts in which the student seeks
42 or intends to enroll, as long as the disclosure is for purposes related to
43 the student's enrollment or transfer The records shall include information
44 about disciplinary action taken as a result of any incident in which the
45 student possessed or used a dangerous weapon and with proper annual
46 notice (see the ANNUAL NOTIFICATION OF RIGHTS SECTION OF
47 THIS POLICY), suspension and expulsion information pursuant to
48 section 7917 of the federal Every Student Succeeds Act and, if
49 applicable, data regarding a student's history of violent behavior. The
50 records also shall include a copy of any probable cause notice or any

1 disposition or court order under Minn. Stat. § 260B.171, unless the data
2 are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or
3 § 121A.75. Upon request, the school district will provide the parent or
4 eligible student with a copy of the education records which have been
5 transferred and provide an opportunity for a hearing to challenge the
6 content of those records in accordance with the REQUEST TO AMEND
7 RECORDS; PROCEDURES TO CHALLENGE DATA section of this
8 policy.

9
10 3. To authorized representatives of the Comptroller General of the United
11 States, the Secretary of the U.S. Department of Education, or an official
12 or employee of the Department of Education acting for the Secretary
13 under a delegation of authority, or the Commissioner of the State
14 Department of Education or their representative, subject to the
15 conditions relative to such disclosure provided under federal law;

16
17 4. In connection with financial aid for which a student has applied or has
18 received, if the information is necessary for such purposes as to:

- 19
20 a. determine eligibility for the aid;
21
22 b. determine the amount of the aid;
23
24 c. determine conditions for the aid; or
25
26 d. enforce the terms and conditions of the aid.

27
28 "Financial aid" for purposes of this provision means a payment of funds
29 provided to an individual or a payment in kind of tangible or intangible
30 property to the individual that is conditioned on the individual's
31 attendance at an educational agency or institution.

32
33 5. To state and local officials or authorities to whom such information is
34 specifically allowed to be reported or disclosed pursuant to state statute
35 adopted:

36
37 a. before November 19, 1974, if the allowed reporting or disclosure
38 concerns the juvenile justice system and such system's ability to
39 effectively serve the student whose records are released; or

40
41 b. after November 19, 1974, if the reporting or disclosure allowed by
42 state statute concerns the juvenile justice system and the system's
43 ability to effectively serve, prior to adjudication, the student whose
44 records are released, provided the officials and authorities to whom
45 the records are disclosed certify in writing to the school district that
46 the data will not be disclosed to any other party, except as provided
47 by state law, without the prior written consent of the parent of the
48 student. At a minimum, the school district shall disclose the
49 following information to the juvenile justice system under this
50 paragraph: a student's full name, home address, telephone
51 number, and date of birth; a student's school schedule, attendance

1 record, and photographs, if any; and parents' names, home
2 addresses, and telephone numbers.
3

- 4 6. To organizations conducting studies for or on behalf of educational
5 agencies or institutions for the purpose of developing, validating or
6 administering predictive tests, administering student aid programs or
7 improving instruction; provided that the studies are conducted in a
8 manner which does not permit the personal identification of parents or
9 students by individuals other than representatives of the organization
10 who have a legitimate interest in the information, and the information is
11 destroyed when no longer needed for the purposes for which the study
12 was conducted, and the school district enters into a written agreement
13 with the organization that: (a) specifies the purpose, scope, and duration
14 of the study or studies and the information to be disclosed; (b) requires
15 the organization to use personally identifiable information from education
16 records only to meet the purpose or purposes of the study as stated in
17 the written agreement; (c) requires the organization to conduct the study
18 in a manner that does not permit personal identification of parents and
19 students by anyone other than representatives of the organization with
20 legitimate interests; and (d) requires the organization to destroy all
21 personally identifiable information when information is no longer needed
22 for the purposes for which the study was conducted and specifies the
23 time period in which the information must be destroyed. For purposes of
24 this provision, the term "organizations" includes, but is not limited to,
25 federal, state and local agencies and independent organizations. In the
26 event the Department of Education determines that a third party outside
27 of the school district to whom information is disclosed violates this
28 provision, the school district may not allow that third party access to
29 personally identifiable information from education records for at least five
30 years.
31
- 32 7. To accrediting organizations in order to carry out their accrediting
33 functions;
34
- 35 8. To parents of a dependent student or to the student themselves;
36
- 37 9. To comply with a judicial order provided, however, that the school district
38 makes a reasonable effort to notify the parent or eligible student of the
39 order in advance of compliance therewith so that the parent or eligible
40 student may seek protective action. In addition, if the school district
41 initiates legal action against a parent or student and has made a
42 reasonable effort to notify the parent or eligible student in advance of its
43 use, it may disclose the student's education records that are relevant to
44 the action to the court without a court order. Also, if a parent or eligible
45 student initiates a legal action against the school district, the school
46 district may disclose to the court, without a court order or subpoena, the
47 student's education records that are relevant for the school district to
48 defend itself;
49
- 50 10. To appropriate parties in connection with an emergency if knowledge of
51 the information is necessary to protect the health, including the mental

1 health, or safety of the student or other individuals. The decision is to be
2 based upon information available at the time the threat occurs that
3 indicates that there is an articulable and significant threat to the health or
4 safety of a student or other individuals. In making a determination
5 whether to disclose information under this section, the school district
6 may take into account the totality of the circumstances pertaining to a
7 threat and may disclose information from education records to any
8 person whose knowledge of the information is necessary to protect the
9 health or safety of the student or other students. A record of this
10 disclosure must be maintained pursuant to the RECORD KEEPING
11 section of this policy. In addition, an educational agency or institution
12 may include in the educational records of a student, appropriate
13 information concerning disciplinary action taken against the student for
14 conduct that posed a significant risk to the safety or well-being of that
15 student, other students, or other members of the school community. This
16 information may be disclosed to teachers and school officials within the
17 school district and/or teachers and school officials in other schools who
18 have legitimate educational interests in the behavior of the student.

- 19
- 20 11. Information the school district has designated as "directory information"
21 pursuant to the RELEASE OF DIRECTORY INFORMATION section of
22 this policy.
- 23
- 24 12. To the parent of a student who is not an eligible student or to the student
25 himself or herself.
- 26
- 27 13. To appropriate health authorities to the extent necessary to administer
28 immunization programs and for bona fide epidemiologic investigations
29 which the commissioner of health determines are necessary to prevent
30 disease or disability to individuals in the public educational agency or
31 institution in which the investigation is being conducted.
- 32
- 33 14. To volunteers who are determined to have a legitimate educational
34 interest in the data and who are conducting activities and events
35 sponsored by or endorsed by the educational agency or institution for
36 students or former students.
- 37
- 38 15. To the juvenile justice system if information about the behavior of a
39 student who poses a risk of harm is reasonably necessary to protect the
40 health or safety of the student or other individuals.
- 41
- 42 16. To military recruiting officers, under the following circumstances. The
43 school district shall release to military recruiting officers the names,
44 addresses, and home telephone numbers of students in grades 11 and
45 12, within 60 days after the date of request for such data.

46

47 The school district shall give parents and students notice of the right to
48 refuse release of this data to military recruiting officers, by publishing the
49 notice in the Richfield Public Schools calendar and handbook, or by
50 other means reasonably likely to inform the parents and students of the

1 right. If a parent or eligible student objects to the release of this data to
2 military recruiting officers, the data shall not be disclosed.

3
4 Parents or eligible students wishing to prevent the release of data to
5 military recruiters must provide written notice to the school district that
6 they do not want the school district to release the student's name,
7 address, and/or home telephone number. Such notice must be provided
8 to the school district within 30 days after the district disseminates its
9 annual data practices notice, or by October 1 of each school year,
10 whichever is later.

11
12 Data released to military recruiting officers under this subdivision may be
13 used only for the purpose of providing information to students about
14 military service, state and federal veterans' education benefits, and other
15 career and educational opportunities provided by the military; and shall
16 not be further disseminated to any other person except personnel of the
17 recruiting services of the armed forces.

18
19 A parent or eligible student's refusal to release the above information to
20 military recruiting officers and post-secondary educational institutions
21 does not affect the school district's release of directory information to the
22 rest of the public, which includes military recruiting officers and post-
23 secondary educational institutions. In order to make any directory
24 information about a student private, the procedures
25 contained in the RELEASE OF DIRECTORY INFORMATION section of
26 this policy also must be followed. Accordingly, to the extent the school
27 district has designated the name and grade level of students as directory
28 information, absent a request from a parent or eligible student not to
29 release such data, this information will be public data and
30 accessible to members of the public, including military recruiting officers
31 and post-secondary educational institutions.

32
33 17. To the juvenile justice system, on written request that certifies that the
34 information will not be disclosed to any other person except as
35 authorized by law without the written consent of the parent of the
36 student:

37
38 a. the following information about a student must be disclosed: a
39 student's full name, home address, telephone number, date of birth;
40 a student's school schedule, attendance record, and photographs,
41 if any; and any parents' names, home addresses, and telephone
42 numbers;

43
44 b. the existence of the following information about a student, not the
45 actual data or other information contained in the student's
46 educational record, may be disclosed provided that a request for
47 access must be submitted on the statutory form and it must contain
48 an explanation of why access to the information is necessary to
49 serve the student:

50 (1) use of a controlled substance, alcohol, or tobacco;
51

1 (2) assaultive or threatening conduct that could result in
2 dismissal from school under the Pupil Fair Dismissal Act;
3 (3) possession or use of weapons or look-alike weapons;
4 (4) theft; or
5 (5) vandalism or other damage to property. Prior to
6 releasing this information, the principal or chief
7 administrative officer of a school who receives such a
8 request must, to the extent permitted by federal law, notify
9 the student's parent or guardian by certified mail of the
10 request to disclose information. If the student's parent or
11 guardian notifies the school official of an objection to the
12 disclosure within ten (10) days of receiving certified notice,
13 the school official must not disclose the information and
14 instead must inform the requesting member of the juvenile
15 justice system of the objection. If no objection from the
16 parent or guardian is received within fourteen (14) days, the
17 school official must respond to the request for information.
18

19 The written requests of juvenile justice system member(s), as well
20 as a record of any release, must be maintained in the student's file.
21

- 22 18. To the principal where the student attends and to any counselor
23 directly supervising or reporting on the behavior or progress of the
24 student if it is information from a disposition order received by a
25 superintendent under Minn. Stat. §260B.171, Subd. 3. The
26 principal must notify the counselor immediately and must place the
27 disposition order in the student's permanent education record. The
28 principal also must notify immediately any teacher or administrator
29 who directly supervises or reports on the behavior or progress of
30 the student whom the principal believes needs the information to
31 work with the student in an appropriate manner, to avoid being
32 needlessly vulnerable, or to protect other persons from needless
33 vulnerability. The principal may also notify other school district
34 employees, substitutes, and volunteers who are in direct contact
35 with the student if the principal determines that these individuals
36 need the information to work with the student in an appropriate
37 manner, to avoid being needlessly vulnerable, or to protect other
38 persons from needless vulnerability. Such notices from the
39 principal must identify the student, outline the offense, and
40 described any conditions of probation about which the school must
41 provide information if this information is provided in the disposition
42 order. Disposition order information received is private educational
43 data received for the limited purpose of serving the educational
44 needs of the student and protecting students and staff. The
45 information may not be further disseminated by the counselor,
46 teacher, administrator, staff member, substitute, or volunteer except
47 as necessary to serve the student, to protect students and staff, or
48 as otherwise required by law, and only to the student or the
49 student's parent or guardian.
50

1 19. To the principal where the student attends if it is information from a
2 peace officer's record of children received by a superintendent
3 under Minn. Stat. §260B.171, Subd. 5. The principal must place
4 the information in the student's educational record. The principal
5 also must notify immediately any teacher, counselor, or
6 administrator directly supervising the student whom the principal
7 believes needs the information to work with the student in an
8 appropriate manner, to avoid being needlessly vulnerable, or to
9 protect other persons from needless vulnerability. The principal
10 may also notify other district employees, substitutes, and volunteers
11 who are in direct contact with the student if the principal determines
12 that these individuals need the information to work with the student
13 in an appropriate manner, to avoid being needlessly vulnerable, or
14 to protect other persons from needless vulnerability. Such notices
15 from the principal must identify the student and describe the alleged
16 offense if this information is provided in the peace officer's notice.
17 Peace officer's record information received is private educational
18 data received for the limited purpose of serving the educational
19 needs of the student and protecting students and staff. The
20 information must not be further disseminated by the counselor,
21 teacher, administrator, staff member, substitute, or volunteer except
22 to communicate with the student or the student's parent or guardian
23 as necessary to serve the student, to protect students and staff, or
24 as otherwise required by law.

25
26 The principal must delete the peace officer's record from the
27 student's educational record, destroy the data, and make
28 reasonable efforts to notify any teacher, counselor, staff member,
29 administrator, substitute, or volunteer who received information
30 from the peace officer's record if the county attorney determines not
31 to proceed with a petition or directs the student into a diversion or
32 mediation program or if a juvenile court makes a decision on a
33 petition and the county attorney or juvenile court notifies the
34 superintendent of such action.

35
36 20. To the Secretary of Agriculture, or authorized representative from
37 the Food and Nutrition Service or contractors acting on behalf of
38 the Food and Nutrition Service, for the purposes of conducting
39 program monitoring, evaluations, and performance measurements
40 of state and local educational and other agencies and institutions
41 receiving funding or providing benefits of one or more programs
42 authorized under the National School Lunch Act or the Child
43 Nutrition Act of 1966 for which the results will be reported in
44 an aggregate form that does not identify any individual, on the
45 conditions that: (a) any data collected shall be protected in a
46 manner that will not permit the personal identification of students
47 and their parents by other than the authorized representatives of
48 the Secretary; and (b) any personally identifiable data shall be
49 destroyed when the data are no longer needed for
50 program monitoring, evaluations, and performance measurements.
51

- 1 21. To an agency caseworker or other representative of a State or local
2 child welfare agency, or tribal organization (as defined in 25 U.S.C.
3 § 5304), who has the right to access a student's case plan, as
4 defined and determined by the State or tribal organization, when
5 such agency or organization is legally responsible, in accordance
6 with State or tribal law, for the care and protection of the student,
7 provided that the education records, or the personally identifiable
8 information contained in such records, of the student will not be
9 disclosed by such agency or organization, except to an individual or
10 entity engaged in addressing the student's education needs and
11 authorized by such agency or organization to receive such
12 disclosure and such disclosure is consistent with the State
13 or tribal laws applicable to protecting the confidentiality of a
14 student's education records.
15
- 16 22. To a contractor, consultant, volunteer, or other party to whom the
17 school district has outsourced institutional services or functions
18 provided that the outside party:
19
 - 20 a. performs an institutional service or function for which the
21 school district would otherwise use employees;
 - 22 b. is under the direct control of the school district with respect to
23 the use and maintenance of education records; and
 - 24 c. will not disclose the information to any other party without the
25 prior consent of the parent or eligible student and uses the
26 information only for the purposes for which the disclosure was
27 made.

28
29 **D. Nonpublic School Students**

30
31 The school district may disclose personally identifiable information from the
32 education records of a nonpublic school student, other than a student who
33 receives shared time educational services, without the written consent of the
34 parent of the student or the eligible student unless otherwise provided herein,
35 if the disclosure is:

- 36
- 37 1. Pursuant to a valid court order;
- 38
- 39 2. Pursuant to a statute specifically authorizing access to the private
40 data; or
- 41
- 42 3. To appropriate health authorities to the extent necessary to
43 administer immunization programs and for bona fide
44 epidemiological investigations which the commissioner of health
45 determines are necessary to prevent disease or disability to
46 individuals in the public educational agency or institution in which
47 the investigation is being conducted.
- 48

49 **VII. RELEASE OF DIRECTORY INFORMATION**

50
51 **A. Classification.**

1
2 Directory information is public except as provided herein.
3

4 B. Former students.
5

6 Unless a former student validly opted out of the release of directory
7 information while the student was in attendance and has not rescinded the
8 opt out request at any time, the school district may disclose directory
9 information from the education records generated by it regarding an individual
10 who is no longer in attendance within the school district without meeting the
11 requirements of Paragraph C of this Section. In addition, under an explicit
12 exclusion from the definition of an "education record," the school district may
13 release records that only contain information about an individual obtained
14 after he or she is no longer a student at the school district and that are not
15 directly related to the individual's attendance as a student (e.g., a student's
16 activities as an alumnus of the school district)
17

18 C. Present Students and Parents.
19

20 The school district may disclose directory information from the education
21 records of a student and information regarding parents without prior written
22 consent of the parent of the student or eligible student, except as provided
23 herein. Prior to such disclosure the school district shall:
24

- 25 1. Annually, give public notice by any means that are reasonably likely to
26 inform the parents and eligible students of:
27
 - 28 a. the types of personally identifiable information regarding students
29 and/or parents that the school district has designated as directory
30 information;
 - 31 b. the parent's or eligible student's right to refuse to let the school
32 district designate any or all of those types of information about the
33 student and/or the parent as directory information; and
 - 34 c. the period of time in which a parent or eligible student has to notify
35 the school district in writing that they do not want any or all of those
36 types of information about the student and/or the parent designated
37 as directory information.
- 38 2. Allow a reasonable period of time after such notice has been given for a
39 parent or eligible student to inform the school district, in writing, that any
40 or all of the information so designated should not be disclosed without
41 the parent's or eligible student's prior written consent, except as provided
42 in the DISCLOSURE OF EDUCATION RECORDS section of this policy.
43
- 44 3. A parent or eligible student may not opt out of the directory information
45 disclosures to:
46
47
48
49

- a. prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
- b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.

4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in the DISCLOSURE OF EDUCATION RECORDS section of this policy if a student's social security number or other nondirectory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for obtaining nondisclosure of directory information.

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration.

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private records.

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student. The school district

1 will use reasonable methods to identify and authenticate the identity of
2 parents, students, school officials, and any other party to whom personally
3 identifiable information from education records is disclosed.
4

5 **B. Certain health records not accessible to parent.**
6

7 In certain cases state law intends, and clearly provides, that certain health
8 data contained in the education records of the school district pertaining to a
9 student be accessible to the student alone, and to the parent only under
10 special circumstances, if at all.
11

12 1. The responsible authority may deny access to private data by a parent
13 when a minor student who is the subject of that data requests that the
14 responsible authority deny such access. The minor student's request
15 must be submitted in writing setting forth the reasons for denying access
16 to the parent and must be signed by the minor. Upon receipt of such
17 request the responsible authority shall determine if honoring the request
18 to deny the parent access would be in the best interest of the minor data
19 subject. In making this determination the responsible authority shall
20 consider the following factors:
21

- 22 a. whether the minor is of sufficient age and maturity to be able to
23 explain the reasons for and understand the consequences of the
24 request to deny access;
25
26 b. whether the personal situation of the minor is such that denying
27 parental access may protect the minor data subject from physical or
28 emotional harm;
29
30 c. whether there are grounds for believing that the minor data
31 subject's reasons for precluding parental access are reasonably
32 accurate;
33
34 d. whether the data in question is of such a nature that disclosure of it
35 to the parent may lead to physical or emotional harm to the minor
36 data subject; and
37
38 e. whether the data concerns medical, dental or other health services
39 provided pursuant to Minn. Stat. §§ 144.341 to 144.347, in which
40 case the data may be released only if the failure to inform the
41 parent would seriously jeopardize the health of the minor.
42

43 **C. Private records not accessible to student.**
44

45 Students shall not be entitled to access to private data concerning financial
46 records and statements of the student's parent or any information contained
47 therein.
48

49 **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**
50

51 **A. Confidential records.**

1
2 Confidential records are those records and data contained therein which are
3 made not public by state or federal law, and which are inaccessible to the
4 student and the student's parents or an eligible student.
5

6 B. Reports under the Maltreatment of Minors Reporting Act.
7

8 Pursuant to Minn. Stat. §260E.35, written copies of reports pertaining to a
9 neglected and/or physically and/or sexually abused child shall be accessible
10 only to the appropriate welfare and law enforcement agencies. In respect to
11 other parties, such data shall be confidential and will not be made available to
12 the parent or the subject individual by the school district. The data subject,
13 however, may obtain a copy of the report from either the local welfare agency,
14 county sheriff or the local police department subject to the provisions of Minn.
15 Stat. § 260E.35, Subd. 3(a).
16

17 Regardless of whether a written report is made under Minn. Stat. § 626.556,
18 Subd. 7, as soon as practicable after a school receives information regarding
19 an incident that may constitute maltreatment of a child in a school facility, the
20 school shall inform the parent, legal guardian, or custodian of the child that an
21 incident occurred that may constitute maltreatment of the child, when the
22 incident occurred, and the nature of the conduct that may constitute
23 maltreatment.
24

25 C. Investigative data.
26

27 Data collected by the school district as part of an active investigation
28 undertaken for the purpose of the commencement or defense of pending civil
29 legal action, or which are retained in anticipation of a pending civil legal action
30 are classified as protected nonpublic data in the case of data not on
31 individuals, and confidential data in the case of data on individuals.
32

- 33 1. The school district may make any data classified as protected non-public
34 or confidential pursuant to this subdivision accessible to any person,
35 agency or the public if the school district determines that such access
36 will aid the law enforcement process, promote public health or safety, or
37 dispel widespread rumor or unrest.
38
- 39 2. A complainant has access to a statement provided by the complainant to
40 the school district.
41
- 42 3. Parents or eligible students may have access to investigative data of
43 which the student is the subject, but only to the extent the data is not
44 inextricably intertwined with data about other school district students,
45 school district employees, and/or attorney data as defined in Minn. Stat.
46 § 13.393
47
- 48 4. Once a civil investigation becomes inactive, civil investigative data
49 becomes public unless the release of the data would jeopardize another
50 pending civil legal action, except for those portions of such data that are
51 classified as not public data under state or federal law. Any civil

1 investigative data presented as evidence in court or made part of a court
2 record shall be public. For purposes of this provision, a civil investigation
3 becomes inactive upon the occurrence of any of the following events:
4

- 5 a. a decision by the school district, or by the chief attorney for the
6 school district, not to pursue the civil legal action. However, such
7 investigation may subsequently become active if the school district
8 or its attorney decides to renew the civil legal action;
9
- 10 b. the expiration of the time to file a complaint under the statute of
11 limitations or agreement applicable to the civil legal action; or
12
- 13 c. the exhaustion or expiration of rights of appeal by either party to the
14 civil legal action.
- 15
- 16 5. A "pending civil legal action" for purposes of this subdivision is defined
17 as including, but not limited to, judicial, administrative or arbitration
18 proceedings.
19

20 D. Chemical Abuse Records
21

22 To the extent the school district maintains records of the identity, diagnosis,
23 prognosis, or treatment of any student which are maintained in connection
24 with the performance of any drug abuse prevention function conducted,
25 regulated, or directly or indirectly assisted by any department or agency of the
26 United States, such records are classified as confidential and shall be
27 disclosed only for the purposes and under the circumstances expressly
28 authorized by law.
29

30 **X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR**
31 **EXPULSION HEARING**
32

33 At a reasonable time prior to any exclusion or expulsion hearing the student, the
34 student's parent or guardian or representative shall be given access to all school
35 district records pertaining to the student, including any tests or reports upon which
36 the action proposed by the school district may be based, pursuant to the
37 Minnesota Pupil Fair Dismissal Act, Minn. Stat. §121A.40 et. seq.
38

39 **XI. LIMITS ON REDISCLOSURE**
40

41 A. Redisclosure.
42

43 Consistent with the requirements herein, the school district may only disclose
44 personally identifiable information from the education records of a student on
45 the condition that the party to whom the information is to be disclosed will not
46 disclose the information to any other party without the prior written consent of
47 the parent of the student or the eligible student, except that the officers,
48 employees and agents of any party receiving personally identifiable
49 information under this Section may use the information, but only for the
50 purposes for which the disclosure was made.
51

1 B. Redisclosure not prohibited.

2
3 1. Paragraph A of this Section does not preclude the school district from
4 disclosing personally identifiable information under the DISCLOSURE
5 OF EDUCATION RECORDS section of this policy with the
6 understanding that the party receiving the information may make further
7 disclosures of the information on behalf of the school district provided:

8
9 a. The disclosures meet the requirements of the DISCLOSURE OF
10 EDUCATION RECORDS section of this policy; and

11
12 b. The school district has complied with the recordkeeping
13 requirements of the RESPONSIBLE AUTHORITY; RECORD
14 SECURITY; AND RECORD KEEPING section of this policy.

15
16 2. Paragraph A of this section does not apply to disclosures made pursuant
17 to court orders, to disclosures of directory information, or to disclosures
18 to a parent or student or to parents of
19 dependent students, or to disclosures concerning sex offenders and
20 other individuals required to register under 42 U.S.C. § 14071. However,
21 the school district must provide the notification required in Paragraph D
22 of this section if a redisclosure is made based upon a court order.

23
24 C. Classification of disclosed data.

25
26 The information disclosed shall retain the same classification in the hands of
27 the party receiving it as it had in the hands of the school district.

28
29 D. Notification.

30
31 The school district shall, except for disclosures made pursuant to court
32 orders, disclosure of directory information under the RELEASE OF
33 DIRECTORY INFORMATION section of this policy, or disclosures to a parent
34 or student, inform the party to whom a disclosure is made of the requirements
35 set forth in this Section. In the event that the Family Policy Compliance Office
36 determines that a third party improperly rediscloses personally identifiable
37 information from education records, the school district may not allow that third
38 party access to personally identifiable information from education records for
39 at least five years.

40
41 **XII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING**

42
43 A. Responsible authority.

44
45 The responsible authority shall be responsible for the maintenance and
46 security of student records.

47
48 B. Record security.

49
50 The principal of each school subject to the supervision and control of the
51 responsible authority shall be the records manager of the school, and shall

1 have the duty of maintaining and securing the privacy and/or confidentiality of
2 student records.

3
4 C. Plan for securing student records.

5
6 The building principal shall submit to the responsible authority a written plan
7 for securing students records by September 1 of each school year. The
8 written plan shall contain the following information:

- 9
10 1. A description of records maintained;
11
12 2. Titles and addresses of person(s) responsible for the security of student
13 records;
14
15 3. Location of student records, by category, in the buildings;
16
17 4. Means of securing student records; and
18
19 5. Procedures for access and disclosure.
20

21 D. Review of written plan for securing student records.

22
23 The responsible authority shall review the plans submitted pursuant to
24 Paragraph C of this Section for compliance with the law, this policy and the
25 various administrative policies of the school district. The responsible authority
26 shall then promulgate a chart incorporating the provisions of Paragraph C
27 which shall be attached to and become a part of this policy.
28

29 E. Recordkeeping.

- 30
31 1. The principal shall, for each request for and each disclosure of
32 personally identifiable information from the education records of a
33 student, maintain a record with the education records of the student
34 which indicates:
35
36 a. the parties who have requested or received personally identifiable
37 information from the education records of the student;
38
39 b. the legitimate interests these parties had in requesting or obtaining
40 the information; and
41
42 c. the names of the state and local educational authorities and federal
43 officials and agencies listed in the DISCLOSURE OF EDUCATION
44 RECORDS section of this policy that may make further disclosures
45 of personally identifiable information from the student's education
46 records without consent.
47
48 2. In the event the school district discloses personally identifiable
49 information from an education record of a student pursuant to Paragraph
50 B of the LIMITS ON REDISCLOSURE section of this policy, the record
51 of disclosure required under this Section shall also include:

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- a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district; and
 - b. the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in the DISCLOSURE OF EDUCATION RECORDS section of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Paragraph (1) of Recordkeeping does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Paragraph B1 of the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy.
4. The record of requests of disclosures may be inspected by:
- a. the parent of the student or the eligible student;
 - b. the school official or their assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the recordkeeping procedures of the school district.
5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
- a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the school district disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

1
2 **XIII. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**
3

- 4 A. Parent of a student, an eligible student or the parent of an eligible student
5 who is also a dependent student.
6

7 The school district shall permit the parent of a student, an eligible student or
8 the parent of an eligible student who is also a dependent student who is or
9 has been in attendance in the school district to inspect or review the
10 education records of the student, except those records which are made
11 confidential by state or federal law or as otherwise provided in the
12 DISCLOSURE OF PRIVATE RECORDS section of this policy.
13

- 14 B. Response to request for access.
15

16 The school district shall respond to any request pursuant to Paragraph A of
17 this Section immediately, if possible, or within ten (10) days of the date of the
18 request, excluding Saturdays, Sundays and legal holidays.
19

- 20 C. Right to inspect and review.
21

22 The right to inspect and review education records under Paragraph A of this
23 Section includes:
24

- 25 1. The right to a response from the school district to reasonable requests
26 for explanations and interpretations of records; and
27
28 2. If circumstances effectively prevent the parent or eligible student from
29 exercising the right to inspect and review the education records, the
30 school district shall provide the parent or eligible student with a copy of
31 the records requested, or make other arrangements for the parent or
32 eligible student to inspect and review the requested records.
33
34 3. Nothing in this policy shall be construed as limiting the frequency of
35 inspection of the educational records of a student with a disability by the
36 student's parent or guardian or by the student upon the student reaching
37 the age of majority
38

- 39 D. Form of request.
40

41 Parents or eligible students shall submit to the school district a written request
42 to inspect education records which identify as precisely as possible the record
43 or records they wish to inspect.
44

- 45 E. Collection of student records.
46

47 If a student's education records are maintained in more than one location, the
48 responsible authority may collect copies of the records or the records
49 themselves from the various locations so they may be inspected at one site.
50 However, if the parent or eligible student wishes to inspect these records
51 where they are maintained, the school district shall attempt to accommodate

1 those wishes. The parent or eligible student shall be notified of the time and
2 place where the records may be inspected.

3
4
5 F. Records containing information on more than one student.

6
7 If the education records of a student contain information on more than one
8 student, the parent or eligible student may inspect and review or be informed
9 of only the specific information which pertains to that student.

10
11 G. Authority to inspect or review.

12
13 The school district may presume that either parent of the student has
14 authority to inspect or review the education records of a student unless the
15 school district has been provided with evidence that there is a legally binding
16 instrument or a state law or court order governing such matters as marriage
17 dissolution, separation or custody which provides to the contrary.

18
19 H. Fees for copies of records.

20
21 1. The school district shall charge a reasonable fee for providing
22 photocopies or printed copies of records unless printing a copy is the
23 only method to provide for the inspection of data. In determining the
24 amount of the reasonable fee, the school district shall consider the
25 following:

- 26
27 a. the cost of materials, including paper, used to provide the copies;
28
29 b. the cost of the labor required to prepare the copies;
30
31 c. any schedule of standard copying charges established by the
32 school district in its normal course of operations;
33
34 d. any special costs necessary to produce such copies from machine
35 based recordkeeping systems, including but not limited to
36 computers and microfilm systems; and
37
38 e. mailing costs.

39
40 2. If 100 or fewer pages of black and white, letter or legal size paper copies
41 are requested, actual costs shall not be used, and instead, the charge
42 shall be no more than 25 cents for each page copied.

43
44 3. The cost of providing copies shall be borne by the parent or eligible
45 student.

46
47 4. The responsible authority, however, may not impose a fee for a copy of
48 an education record made for a parent or eligible student if doing so
49 would effectively prevent the parent or eligible student from exercising
50 their right to inspect or review the student's education records.
51

- 1 5. The school district reserves the right to make a charge for copies such
2 as transcripts it forwards to potential employers or post-secondary
3 institutions for employment or admissions purposes. The fee for such
4 copies and other copies forwarded to third parties with prior consent as a
5 convenience will be the actual search/retrieval and copying costs, as
6 permitted by law, plus postage, if that is involved.
7

8 **XIV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**
9

10 A. Request to amend education records.
11

12 The parent of a student or an eligible student who believes that information
13 contained in the education records of the student is inaccurate, misleading or
14 violates the privacy or other rights of the student may request that the school
15 district amend those records.
16

- 17 1. The request shall be in writing, shall identify the item the requester
18 believes to be inaccurate, misleading or in violation of the privacy or
19 other rights of the student, shall state the reason for this belief, and shall
20 specify the correction the requester wishes the school district to make.
21 The request shall be signed and dated by the requester.
22
- 23 2. The school district shall decide whether to amend the education records
24 of the student in accordance with the request within a reasonable period
25 of time of receipt of the request.
26
- 27 3. If the school district decides to refuse to amend the education records of
28 the student in accordance with the request, it shall so inform the parent
29 of the student or the eligible student of the refusal and advise the parent
30 or eligible student of the right to a hearing under Paragraph B of this
31 Section.
32

33 B. Right to a hearing.
34

35 If the school district refuses to amend the education records of a student, the
36 school district shall, on request, provide an opportunity for a hearing in order
37 to challenge the content of the student's education records to ensure that
38 information in the education records of the student is not inaccurate,
39 misleading, or otherwise in violation of the privacy or other rights of the
40 student. A hearing shall be conducted in accordance with Paragraph C of this
41 Section.
42

- 43 1. If, as a result of the hearing, the school district decides that the
44 information is inaccurate, misleading, or otherwise in violation of the
45 privacy or other rights of the student, it shall amend the education
46 records of the student accordingly, so inform the parent of the student or
47 the eligible student in writing.
48
- 49 2. If, as a result of the hearing, the school district decides that the
50 information is not inaccurate, misleading, or otherwise in violation of the
51 privacy or other rights of the student, it shall inform the parent or eligible

1 student of the right to place a statement in the record commenting on the
2 contested information in the record or stating why they disagree with the
3 decision of the school district, or both.
4

5 3. Any statement placed in the education records of the student under
6 Paragraph B of this Section shall:

7
8 a. be maintained by the school district as part of the education records
9 of the student so long as the record or contested portion thereof is
10 maintained by the school district; and
11

12 b. if the education records of the student or the contested portion
13 thereof is disclosed by the school district to any party, the
14 explanation shall also be disclosed to that party.
15

16 C. Conduct of hearing.
17

18 1. The hearing shall be held within a reasonable period of time after the
19 school district has received the request, and the parent of the student or
20 the eligible student shall be given notice of the date, place and time
21 reasonably in advance of the hearing.
22

23 2. The hearing may be conducted by any individual, including an official of
24 the school district who does not have a direct interest in the outcome of
25 the hearing. The school board attorney shall be in attendance to present
26 the school board's position and advise the designated hearing officer on
27 legal and evidentiary matters.
28

29 3. The parent of the student or eligible student shall be afforded a full and
30 fair opportunity for hearing to present evidence relative to the issues
31 raised under Paragraphs A and B of this Section and may be assisted or
32 represented by individuals of his or her choice at his or her own
33 expense, including an attorney.
34

35 4. The school district shall make a decision in writing within a reasonable
36 period of time after the conclusion of the hearing. The decision shall be
37 based solely on evidence presented at the hearing and shall include a
38 summary of evidence and reasons for the decision.
39

40 D. Appeal.
41

42 The final decision of the designated hearing officer may be appealed in
43 accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to
44 contested cases.
45

46 **XV. PROBLEMS ACCESSING DATA**
47

48 A. The data practices compliance official is the designated employee to whom
49 persons may direct questions or concerns regarding problems in obtaining
50 access to data or other data practices problems.
51

1 B. Data practices compliance official means *Craig Holje, Chief HR and*
2 *Administrative Officer.*

3
4 C. Any request by an individual with a disability for reasonable modifications of the
5 school district's policies or procedures for purposes of accessing records shall
6 be made to the data practices compliance official.
7

8 **XVI. COMPLAINTS FOR NONCOMPLIANCE**

9 10 A. Where to file complaints.

11
12 Complaints regarding alleged violations of rights accorded parents and
13 eligible students by 20 U.S.C. §1232g, and the rules promulgated thereunder,
14 shall be submitted in writing to the Family Policy Compliance Office, U.S.
15 Department of Education, 400 Maryland Avenue, S.W., Washington, D.C.
16 20202-4605.
17

18 B. Content of complaint.

19
20 A complaint filed pursuant to this Section must contain specific allegations of
21 fact giving reasonable cause to believe that a violation of 20 U.S.C. §1232g
22 and the rules promulgated thereunder has occurred.
23

24 **XVII. WAIVER**

25
26 A parent or eligible student may waive any of his or her rights provided herein
27 pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and
28 signed by the parent or eligible student. The school district may not require such a
29 waiver.
30

31 **XVIII. ANNUAL NOTIFICATION OF RIGHTS**

32 33 A. Contents of notice.

34
35 The school district shall give parents of students currently in attendance and
36 eligible students currently in attendance annual notice by such means as are
37 reasonably likely to inform the parents and eligible students of the following:
38

- 39 1. That the parent or eligible student has a right to inspect and review the
40 student's education records and the procedure for inspecting and
41 reviewing education records;
42
- 43 2. That the parent or eligible student has a right to seek amendment of the
44 student's education records to ensure that those records are not
45 inaccurate, misleading, or otherwise in violation of the student's privacy
46 or other rights and the procedure for requesting amendment of records;
47
- 48 3. That the parent or eligible student has a right to consent to disclosures of
49 personally identifiable information contained in the student's education
50 records, except to the extent that federal and state law and the

1 regulations promulgated thereunder authorize disclosure without
2 consent;

3
4 4. That the parent or eligible student has a right to file a complaint with the
5 U.S. Department of Education regarding an alleged failure by the school
6 district to comply with the requirements of 20 U.S.C. §1232g, and the
7 rules promulgated thereunder;

8
9 5. The criteria for determining who constitutes a school official and what
10 constitutes a legitimate educational interest for purposes of disclosing
11 education records to other school officials whom the school district has
12 determined to have legitimate educational interests; and

13
14 6. That the school district forwards education records on request to a
15 school in which a student seeks or intends to enroll or is already enrolled
16 as long as the disclosure is for purposes related to the student's
17 enrollment or transfer and that such records may include suspension
18 and expulsion records pursuant to the federal Every Student Succeeds
19 Act and, if applicable, a student's history of violent behavior.

20
21 B. Notification to parents of students having a primary home language other than
22 English.

23
24 The school district shall provide for the need to effectively notify parents of
25 students identified as having a primary or home language other than English.

26
27 C. Notification to parents or eligible students who are disabled.

28
29 The school district shall provide for the need to effectively notify parents or
30 eligible students identified as disabled.

31
32 **XIX. DESTRUCTION AND RETENTION OF RECORDS**

33
34 Destruction and retention of records by the school district shall be controlled by
35 state and federal law.

36
37 **XX. COPIES OF POLICY**

38
39 Copies of this policy may be obtained by parents and eligible students at the office
40 of the Superintendent.

41
42
43 ***Legal References:***

44 Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

45 Minn. Stat. § 120A.22 (Compulsory Instruction Dismissal Act)

46 Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

47 Minn. Stat. Ch. § 260E (Reporting of Maltreatment of Minors)

48 Minn. Rules Pts. 1205.0100-1205.2000

49 20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act)

50 26 U.S.C. Sec. 1152 (Internal Revenue Code)

51 34 C.F.R. Secs. 99.1-99.67

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Cross-References:

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-
Access to Data)
Board Policy 541: Student Behavior and Administrative Guideline 541.1

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