

**Independent School District 280
Richfield, Minnesota**

STUDENT RECORDS: WHAT TO RELEASE AND TO WHOM?

The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (“FERPA”) and the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, govern collection, storage, maintenance and dissemination of student data. Overlapping and sometimes supplementary legal protections include the constitutional right of privacy and the state common law right of privacy.

FERPA prohibits the disclosure of personally identifiable information that is contained in the student’s record and assures access for the parent or the student. Both FERPA and its Minnesota counterpart, Chapter 13, contain many exceptions. Below are some general guidelines to follow in managing educational records. However, each situation is often fact dependent and the law changes frequently. Please consult with the Director of Personnel and Administrative Services prior to taking action on a data request. The Director may consult with legal counsel prior to determining an appropriate response.

SITUATION RELEASE OF DATA REQUESTED	DATA RELEASE - YES OR NO?
<ul style="list-style-type: none"> To organizations conducting educational studies? 	<ul style="list-style-type: none"> Yes, if the purpose of the study is to develop, validate, or administer predictive tests, or to improve instruction. The information must be kept confidential or released only in summary form.
<ul style="list-style-type: none"> To appropriate parties in connection with a health or safety emergency? 	<ul style="list-style-type: none"> Yes, if the information is necessary to protect the health or safety of the student or other individuals. This exception is intended to apply to crisis situations only and is very strictly construed.
<ul style="list-style-type: none"> Release of “directory information” to the general public? 	<ul style="list-style-type: none"> Yes, if the district has duly designated this information as directory information.
<ul style="list-style-type: none"> To authorized representatives of the Comptroller General of the United States, the U.S. Attorney General, the Secretary of U.S. Department of Education, or the Commissioner of the State Department of Children, Families & Learning? 	<ul style="list-style-type: none"> Yes, however, who and what is authorized depends upon the circumstances of the disclosure, such as Mandatory Reporting requirements.

<ul style="list-style-type: none"> To the juvenile justice system? 	<ul style="list-style-type: none"> Yes, specific minimal data may be released prior to adjudication, if the data concern the juvenile justice system and the ability of the system to effectively serve the student. In addition, data on a student who is on probation may be released to the juvenile justice system if the data relates to the student's use of a controlled substance, alcohol, or tobacco; assaultive or threatening conduct that could result in dismissal from schools; possession or use of weapons or look-alike weapons; participation in gang activity; theft; or vandalism or damage to property. In addition, a school district must release to law enforcement the fact that a student brought a firearm to school, although it cannot release details about the incident, such as the school's disciplinary response.
<ul style="list-style-type: none"> To comply with a judicial order or lawfully issued subpoena? 	<ul style="list-style-type: none"> Judicial order yes, subpoena no. Under federal law, a school district may disclose data to comply with a subpoena if the district first makes a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena, or restrictions are placed on re-disclosure. However, under Minnesota state law, a school district must release data only pursuant to a court order, not a subpoena. The more stringent state requirement must be followed in Minnesota.
<ul style="list-style-type: none"> To the attorney, insurance representative, or other third parties working for or on behalf of the school district? 	<ul style="list-style-type: none"> Yes, if needed in the course of his or her representation of the district and the person has a legitimate need to know the data to perform his/her function for the district.
<ul style="list-style-type: none"> To the attorney or advocate for the parent'? 	<ul style="list-style-type: none"> No, unless the parent or adult student has signed a prior written consent authorizing release of the data to their attorney or advocate.
<ul style="list-style-type: none"> To accrediting organizations? 	<ul style="list-style-type: none"> Yes, as necessary to carry out accrediting functions.

Dated: May 7, 2001
 Revised: February 16, 2021
 Reviewed: December 20, 2004