

515.2R RIGHTS OF STUDENTS AND PARENTS OR GUARDIANs REGARDING DATA COLLECTION

When school officials collect private data for student records, the student's parent or guardian, or the student if age eighteen years or older, shall be informed of the following:

1. Purpose and intended use of the data collected.
2. Whether he/she may refuse or is legally required to supply the data.
3. Possible consequences of supplying or refusing to supply requested information.
4. The identity of persons or entities authorized by state or federal law to receive the data.

Data Collection Requiring Written Consent

Plans for personality testing, diagnostic and assessment, and any other individual testing should proceed only with informed written consent of the student's parent or guardian. When such consent is required, the student's consent should also be obtained in those instances wherein he/she understands the nature and consequence of such data collection. When a student reaches the age of eighteen, or is married whether eighteen or not, his/her consent alone must be obtained.

Parents and students are to be fully informed, in writing, as to the methods by which the data will be collected and the purposes for which the data will be utilized.

This type of data-gathering will be done only by qualified professional staff members.

As noted above, private or confidential data collected on an individual shall not be collected, stored, used, or disseminated by the district for purposes other than those stated to the individual at the time of collection.

Data Collection Through Interview

Certain special problems are presented in gathering data in student interviews by counselors, social workers, nurses, administrators, and psychologists. In most of these situations the requirement of informed consent may not be met, perhaps because of the unforeseeable course of the interview process. It is the responsibility of the professional staff member to help the student understand the implications of the interview situation, to protect the rights of the student regarding confidentiality of information obtained, and to stress the voluntary character of the student's participation. The professional should seek parental consent and perhaps involvement when the student is clearly in need of intervention but declines to participate.

Examination of Records

Upon written request, an individual shall be informed as to whether he/she is the subject of stored data. Upon further request, the individual, or parent or guardian in the case of a minor, shall be shown the data within a reasonable period of time and without any charge.

(Upon request of the individual, parent or guardian, provision for access to the records must be made no later than 45 days after the request has been made.) A school official competent in interpreting records should be available to explain the meaning and implications of certain data included in the records.

After being shown and informed about data contained within the records, the student, parent or guardian need not be given access to the data again for six months thereafter, unless additional data has been collected. An entry in the Record of Inspection shall also be completed.

The School District shall provide copies of the records upon request of the subject individual, parent or guardian in the case of a minor, providing that the cost of such reproduction is borne by the requesting individual.

Exceptions

1. Desk Drawer Information: Student records maintained by instructional personnel are not deemed School District data and need not be disclosed to the student, parent or guardian if they meet all of the following qualifications:
 - a. They are in the sole possession of the maker;
 - b. They are not accessible or revealed to any other individual except a substitute teacher; and
 - c. They are destroyed at the end of the school year.
2. The Superintendent, or his/her designee, is required to provide notification to minor students of their right to request denial of access to the parent or guardian. The Superintendent, or his/her designee, has the authority to withhold certain data from parents or guardians if the Superintendent, or his designee, determine that withholding the data would be in the best interests of the minor student. Such notification should be made part of the student bulletin at each school building or should be included in the Directory Information notice to households.

Right to Challenge Student Records

Following the examination of a student's records by the student, parent or guardian, he/she may elect to contest the accuracy of completeness of the records. If so, the following procedures are to be observed:

1. The student or parent is to notify the responsible authority in writing, describing the nature of the challenge.
2. The responsible authority shall, within thirty (30) days, correct or delete the data if it is found to be inaccurate, incomplete, or irrelevant. He/she must also attempt to notify past recipients of the correcting actions.
3. If the responsible authority finds the data to be accurate and complete, he/she will notify the contesting individual within thirty (30) days that the alleged inaccuracy, incompleteness, or irrelevancy is denied.

4. Should the student or parent choose to appeal the responsible authority's determination, an impartial review panel shall be established by the Superintendent. The burden of proof as to the accuracy of the record shall be on the School District. If the review panel finds the information to be inaccurate, incomplete, or irrelevant, the records shall be corrected.
5. Should the review panel support the responsible authority's contention that the record is accurate, complete, and relevant, the student and his/her parent or guardian shall have the right to prepare and sign written objections to the information. The written objections shall be made a permanent part of the record in question.

Warning to Staff Members Regarding Written Statements

Notes or anecdotal records made by professional staff members regarding a student do not enjoy immunity from charges of libel or slander. If placed in a student's record and exposed to public view, such notes may well be used as a basis for legal action. It is recommended that anecdotal records contain only factual statements and be devoid of value judgments and personal opinions.

References: 20 U.S.C., Sec. 1232g.
(Family Ed Rights and Privacy Act of 1974)
MN Data Practices Act, Chap. 13

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