

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Regulations 584 – Collection, Maintenance, and Release of Student Educational Data

- 1.0 The purpose of this policy is to provide procedures for collecting, maintaining and releasing student information that will protect the privacy of Roseville Area School District students in accordance with federal law and state statutes.
- 2.0 Definitions
 - 2.1 **Collection of information** shall mean the collection and development of information about students and their families for educational purposes.
 - 2.2 **Maintenance of information** shall mean to store and protect information collected on students enrolled in the Roseville Schools.
 - 2.3 **Release of information** shall mean to release information from the school records to other educational institutions or agencies, students, parents, and all third parties, including those specifically permitted by law to have access to such information.
 - 2.4 **Educational institutions and agencies** shall include public and non-public elementary and secondary schools, all institutions of higher learning, (universities, four-year colleges, junior colleges, public area technical-vocational schools, schools of nursing), and private trade and business schools.
 - 2.5 **School personnel includes:** (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, an attorney or an auditor for the period of his or her performance as an employee or contractor. This definition encompasses teachers, supplementary teachers, counselors, nurses, psychologists, social workers, speech/language clinicians, special education personnel, principals, all district administrators, and other personnel as directed by the principals or district administrators.
 - 2.6 **Student** includes any individual who is or has been in attendance, enrolled or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for

enrollment or registration at the school district, and individuals who receive shared time educational services from the school district.

- 2.7 **A dependent student** is an individual who, during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins, is a full-time student at an educational institution; or is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.
- 2.8 **An eligible student** means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.
- 2.9 **Parents** shall include a parent, legal guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law, court order, or a legally binding instrument that provides otherwise.
- 2.10 **All third parties** include employers, public and private employment agencies, credit bureaus, medical centers, clinics and private practitioners staffed by professionals in the health and/or related social services field, Federal, State, County, Municipal and other local governmental agencies, the court services and the military services.
- 2.11 **Student educational data** shall include those records, files, documents and other materials containing information related directly to students that are maintained by the School District or any person acting for the district. This information is classified as private data and includes the Permanent Record, The Cumulative Folder, The Health Record, The Special Education Student Record, and electronically stored student information in the census file.

The Permanent Record includes the following data: achievement and standardized test data, attendance and membership data, transcripts, and log of transfer of student records.

The Cumulative Folder is created for a student at the time he/she enrolls in the Roseville Area Schools. The cumulative folder contains notes and other student related information. Although the cumulative folder does contain information that is part of the permanent record, the cumulative

folder does not contain the student health record nor the special education records.

The Special Education Student Record includes the initial referral to special education, evaluation reports, Individual Education Program plans and other due process records.

The Student Health Record contains required student health information such as:

1. Past health history, present health status.
2. Immunization status.
3. Preschool screening.
4. Problem/concern list, including accident reports.
5. School nurse sequential narrative notes.
6. Original documentation of medical conditions and changes.
7. Emergency care information.

2.11.1 Student educational data does not include records created by instructional, supervisory and administrative personnel which are in sole possession of the maker, are used only as a personal memory aid, are not accessible or revealed to any other person except a substitute, and which are destroyed at the end of the year.

2.11.2 Student educational data does not include records of a law enforcement unit of the school district, provided educational records maintained by the school district are not disclosed to the unit, and the law enforcement records are: (a) maintained separately from education records; (b) maintained solely for law enforcement purposes; and (c) disclosed only to law enforcement officials of the same jurisdiction.

2.11.3 Student educational data does not include records relating to an individual, including a student, who is employed by the school district which: (a) are made and maintained in the normal course of business; (b) relate exclusively to the individual in that individual's capacity as an employee; and (c) 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.

2.11.4 Student educational data does not include records relating to an eligible student, or a student attending an institution of post-secondary education, which are: (a) made or maintained by a physician, psychiatrist, psychologist or other recognized professional and paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity; (b) made, maintained, or used only in connection with the provision of treatment to the student; and (c) 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.

2.11.5 Student educational data does not include records that only contain information about an individual after he or she is no longer a student at the school district.

2.12 **Directory information** in Roseville Area Schools means information contained in the education records of a student that generally would not be considered harmful or an invasion of privacy if disclosed. Directory information shall include the student's name, parent/guardian name, grade, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of enrollment, degrees and awards received, the most recent educational institution attended by the student, and pictures for district-approved publications, district-approved webpages, district-approved social media, local media, and local cable-casts.

2.13 **Education Support Services Data** means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46. Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

- 2.14 **Juvenile justice system** includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
- 2.15 **A legitimate educational interest** exists if an individual needs to review a student record in order to fulfill his or her professional responsibility and includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, or the ability to respond to a request for education data. It includes a person's need to know in order to: (a) Perform an administrative task required in the school or employee's contract or position description approved by the school board; (b) Perform a supervisory or instructional task directly related to the student's education; or (c) Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid; or (d) Perform a task directly related to responding to a request for data.
- 2.16 **Personally identifiable** means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number; (e) a list of personal characteristics that would make the student's identity easily traceable; or (f) other information that would make the student's identity easily traceable.
- 2.17 **Record** means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
- 2.18 **Summary data** means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.
- 2.19 All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.
- 3.0 Responsible Authority and Data Compliance Officer

The Superintendent of Schools is designated as the Responsible Authority for the district and the Assistant Superintendent is designated as the Data Compliance Officer. The Responsible Authority and the Data Practices

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Compliance Officer are charged by law with determining what student records are kept and who has access to them.

4.0 Collection of information

4.1 Information shall be collected from students or parents as provided by Federal and State law, regulations or directives of the Department of Children, Families and Learning or district requirements. Students and parents will be informed as per Minnesota law:

4.1.1 of the purpose and intended use of the information

4.1.2 whether it is voluntary or mandatory to give the information

4.1.3 of the effects of providing or not providing the information

4.1.4 of the identity of other persons authorized by State or Federal law to receive the information.

5.0 Maintenance of information

5.1 **Provision for access and security:** Individual buildings and departments shall provide a system of access to student records under their supervision which will provide for efficient access and utilization of student information by authorized school personnel while at the same time maintaining appropriate security of the records.

5.2 The **Permanent Record** will be maintained permanently as part of the District 623 electronic student information system.

5.3 The **Cumulative Folder** will be maintained in the district for a period of ten years after the date of graduation and then destroyed as provided by law.

5.3.1 The Cumulative Folder of a student leaving the district will be labeled as “inactive” and will be maintained with the “active” folders at that grade level until five years following graduation and then moved to district storage for five years.

5.4 The **Student Special Education Record** will be maintained in the district for a period of six years after the date of graduation and then destroyed as provided by law.

5.4.1 The Student Special Education Record of a student leaving the district will be labeled as “inactive” and maintained with the “active”

records at that grade level until the end of grade 8. At the end of grade 8, all “inactive” records will be moved to district storage.

5.4.2 The Student Special Education Records of students graduating will be moved from the high school to the office of the Director of Special Services at the district to store for six years.

5.5 The **Student Health Record**, hard copy and electronic, will be maintained permanently as provided by law.

5.5.1 The Student Health Record of a student leaving the district will be labeled as “inactive” and will be maintained with the “active” folders at that grade level, in the high school, until five years following graduation and then moved to district storage.

5.6 A record of persons obtaining access to student records will be maintained and stored with the student records.

5.6.1 The principal shall, for each request for and each disclosure of personally identifiable information from student records, maintain a record with the student’s records which indicates: (a) the parties who have requested or received personally identifiable information from the education records of the student; (b) the date access was given; (c) the legitimate interests these parties had in requesting or obtaining the information; and (d) the signature of the person making the release/allowing access.

5.6.2 In the event the school district discloses personally identifiable information from student records with the understanding that the party receiving the information make further disclosures of the information on behalf of the school district, the record of disclosure required under 5.8.1 shall also include: (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 which each of the additional parties has in requesting or obtaining the information.

5.6.3 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 his or her assistants who are responsible for the custody of the records; and (c) the parties authorized by the law to audit the record keeping procedures of the school district.

- 5.6.4 The record of requests and disclosures shall be maintained with the student records as long as the school district maintains the records.

6.0 General Classification of Student Records

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

7.0 Release of information

- 7.1 The school district may disclose personally identifiable information from student records without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:
 - 7.1.1 To parents or legal guardians of a dependent student or of students under age 18 who are not attending an institution of post-secondary education, provided that the parent or guardian present proper identification.
 - 7.1.2 To eligible students (i.e., students who have attained 18 years of age or are attending an institution of post-secondary education, who present proper identification.
 - 7.1.3 To school officials within the school district whom the school district determines have a legitimate educational interest in such records;
 - 7.1.3.1 For purposes of such disclosure, a “school official” is a person employed by the school district as an administrator, supervisor, teacher, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist); or a parent or student serving on an official committee (such as a disciplinary or grievance committee); or any individual

assisting a school official in the performance of his or her tasks.

- 7.1.4 To officials of other schools or school districts in which the student seeks or intends to enroll. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon. Upon request, the school district will provide the parent or eligible student with a copy of the student records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with 8.0 of this policy.
- 7.1.5 To authorize representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Children, Families and Learning or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
- 7.1.6 To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - 7.1.6.1 Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - 7.1.6.2 After November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any;

and parents' names, home addresses, and telephone numbers.

- 7.1.7 To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student.
- 7.1.8 To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or student by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Children, Families and Learning determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five years.
- 7.1.9 To accrediting organizations in order to carry out their accrediting functions.
- 7.1.10 In connection with financial aid for which a student has received, if the information is necessary for such purposes as to: (a) determine eligibility for the aid; (b) determine the amount of the aid; (c) determines conditions for the aid; or (d) enforce the terms and conditions of the aid. "Financial aid" for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is

conditioned on the individual's attendance at an educational agency or institution.

7.1.11 To comply with a valid court order provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order in advance of compliance therewith so that the parent or eligible student may seek protective action.

7.1.12 Information the school district has designated as "directory information" pursuant to 2.12 of this policy.

7.1.13 To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the Commissioner of Health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

7.1.14 To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students.

7.1.15 Data Privacy

The School District shall refrain from disclosing information that would directly or indirectly reveal a student's transgender status to third parties (which includes, without limitation, other students, other students' parents or guardians, and school staff without a legitimate educational interest in the information) unless legally required to do so or when written consent has been given. The School District shall also refrain from disclosing an employee's transgender status to third parties unless legally required to do so or when written consent has been provided.

7.2 The School District may disclose personally identifiable information from student records after obtaining a signed and dated written consent of the parent of a student or the eligible student, as provided herein.

7.2.1 The written consent form must be signed and dated by the parent of the student or the eligible student giving 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; and (d) if appropriate, a termination date for the consent.

7.2.2 When disclosure is made under this subdivision, a copy of the record shall be provided before it is released, (at a cost of 15 cents per page), if requested by the parent or eligible student.

7.2.3 If the Superintendent of Schools 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 that 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; (f) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e, both at the time of the disclosure and at any time in the future; and (g) specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

7.2.4 Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except that the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student.

7.3 The Director of Student Services or a designated agent will be responsible for the release of all special education student records to other educational institutions or agencies, students, parents, and all third parties.

7.4 Directory Information

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7.4.1 For current students directory information will be released without the prior written consent of the parents or the eligible student under the following conditions:

7.4.1.1 The School District shall annually give notice to families of: (a) the categories of personally identifiable information which it has designated as Directory Information with respect to each of its students; (b) the parent's or eligible student's right to refuse to let the School District designate any or all of those types of information about the student as Directory Information, and (c) that the School District allows a reasonable period of time (30 days after public notice or October 1st) after such notice for a parent or eligible student to inform the district, in writing, that any of the information so designated shall not be released without prior written consent of the parent or eligible student.

7.4.1.2 The parent's or eligible student's written notice to obtain nondisclosure of Directory Information shall be communicated by completing the student directory information form, available in the Central Enrollment office or main office of any school building, which shall only be applicable for that school year.

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

7.4.2 The school district may disclose Directory Information from the education records generated by it regarding an individual who is no longer in attendance within the school district without meeting the requirements of 7.4.1.

7.4.3 Requests for Directory Information are to be submitted in writing to the Superintendent or designee on the Request for Information form.

7.5 Other conditions related to the use of student information:

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- 7.5.1 Information is to be released only upon positive identification of the person to whom the information is to be given.
- 7.5.2 This policy does not prohibit teachers, counselors, administrators, or other staff personnel from giving personal recommendations to institutions of learning or prospective employers when such recommendations are made at the request of the student or his/her parents. It is recommended that requests be in writing and signed.
- 7.5.3 Parents or students must contact the originator of reports developed by clinics, psychiatrists, psychologists and social workers outside of the district for interpretation of these reports.
- 7.5.4 The district will presume that the parent of the student or the eligible student giving consent has the authority to do so unless the agency or institution has been provided with written evidence that there is a legally binding instrument, State law or court order governing such matters as divorce, separation or custody which provides to the contrary.

8.0 Release of confidential information.

- 8.1 “Confidential information” are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student’s parents or an eligible student.
- 8.2 Pursuant to the Maltreatment of Minors Reporting Act, Minn. Stat. §626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare, state, and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The data subject, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. §626.556, Subd. 11.
- 8.3 Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

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- 8.3.1 The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
- 8.3.2 A complainant has access to a statement provided by the complainant to the school district.
- 8.3.3 Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events: (a) a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action; (b) the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or (c) the exhaustion or expiration of right of appeal by either party to the civil legal action.
- 8.3.4 A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

9.0 Release of private information.

- 9.1 For the purposes herein, “private information” is student 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 information or their contents except as summary data, or except as provided in the section 7.1 of this regulation, without the prior written consent of the parent or the eligible student.
- 9.2 In certain cases state law intends, and clearly provides, that certain information contained in the student records of the school district be accessible to the student alone, and to the parent only under special circumstances, if at all.

9.2.1 The superintendent of schools may deny access to private information by a parent when a minor student who is the subject of that data requests that the Superintendent of schools deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the superintendent of schools shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the superintendent of schools shall consider the following factors:

- 9.2.1.1 whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- 9.2.1.2 whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- 9.2.1.3 whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- 9.2.1.4 whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- 9.2.1.5 whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§144.341 to 144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

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

10.0 Release of information prior to exclusion or expulsion proceedings.

At a reasonable time prior to any exclusion or expulsion hearing, the student, the student's parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon

which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §127.26, et seq.

11.0 Limits on re-disclosure.

- 11.1 Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.
- 11.2 The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.
- 11.3 The prohibition on re-disclosure contained in section 11.1 does not preclude the school district from disclosing personally identifiable information under sections 7.1 and 7.2 of this regulation with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided: (a) the re-disclosures meet the requirements of sections 7.1 and 7.2 of this regulation; and (b) the school district has complied with the record keeping requirements of section 5.8 of this regulation.
- 11.4 The prohibition on re-disclosures contained in section 11.1 also does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas, to disclosures of directory information (section 7.4 of this regulation), or to disclosures to a parent or student.
- 11.5 The school district shall, except for disclosures made pursuant to court orders under 7.1.11 of this regulation, disclosures of directory information under section 7.4 of this regulation, or disclosures to a parent or student, inform the party to whom a disclosure is made of the requirements set forth in this section. In the event that the Family Policy Compliance Office, U.S. Department of Education, determines that a third party improperly re-discloses personally identifiable information from education records, the school district may not allow that third party access to personally identifiable information from education records for at least five years.

12.0 Annual notification of rights.

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The district shall annually notify the parents of students in attendance or eligible students in attendance of the following:

- 12.1 Their rights under State and Federal law;
 - 12.2 The location(s) where copies of the District 623 policy may be obtained;
 - 12.3 Their right to inspect and review the student's education records, except those records which are made confidential by state or federal law or as otherwise provided in this policy;
 - 12.4 The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
 - 12.5 The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder.
 - 12.6 Their rights to file complaints with the U.S. Department of Education concerning alleged failures by the district to comply with the federal law and regulations.
- 13.0 Request to amend records; procedures to challenge data.
- 13.1 The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy or other rights of the student may request that the school district amend those records.
 - 13.1.1 The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
 - 13.1.2 The school district shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request, normally 30 days.
 - 13.1.3 If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal

and advise the parent or eligible parent of the right to a hearing under 13.2.

- 13.2 If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with 13.3 of this regulation.

13.2.1 If as a result of the hearing, the district decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the district will amend the information, inform the parent or eligible student in writing, and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the parent.

13.2.2 If as a result of the hearing, the district decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the district will inform the parent or eligible student of the right to place in the records a statement commenting on the contested information or setting forth any reasons for disagreeing with the district's decision, or both. The explanation will:

13.2.2.1 Be maintained as part of the student record as long as the record or contested portion is maintained by the district; and

13.2.2.2 If the student record or contested portion is disclosed by the district to any party, the explanation also must be disclosed to the party.

- 13.3 Procedures for providing a hearing to challenge the content of information in the student record:

13.3.1 Officials of the district will provide formal hearings, when requested by parents or eligible students.

13.3.2 The hearing shall be conducted within a reasonable period of time (normally 30 days) following the request, and the parent of the

student or eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.

13.3.3 The hearing shall be conducted and the decision rendered by a District 623 official who does not have a direct interest in the outcome of the hearing. The School District's legal counsel may, at the School District's discretion, be present at the hearing to advise the individual conducting the hearing on legal and evidentiary matters.

13.3.4 The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. The School District may also be represented at the hearing.

13.3.5 The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

13.4 The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Chapter 14 relating to contested cases.

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5/15/13

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7/6/17

8/22/19

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