INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating, developing, and inspiring our students for lifelong success.

Series Number **505.3.1P** Adopted **June 1980** Revised **July 2025**

Title **Public Notice – Annual Notification of Rights, Protection and Privacy of Student Records**

1. **Intent**

1.1 Pursuant to the requirements of Administrative Regulation 505.2AR, Protection and Privacy of Student Records, and the requirements of federal law (34 C.F.R. Section 99.7), the following constitutes the district's annual notification to parents, guardians and students regarding data privacy practices of the district.

1.2 Administrative Regulation 505.2AR, Protection and Privacy of Student Records, incorporates state and federal requirements on data privacy rights in student educational records, as summarized below.

2. **Privacy Rights**

2.1 Educational records which identify or could be used to identify a student, other than directory information, may not be released to members of the public without the written permission of the student's parent or guardian, or the student if the student is 18 years of age or older or attends a post-secondary institution or as otherwise permitted by law. This general rule is subject to specific and limited exceptions which are described in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

2.2 One exception, which permits disclosure of educational records without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff; a person serving on the School Board; a person or company with whom the school has contracted to provide a service instead of using its own employees or officials including the school district's insurer or an authorized volunteer. Legitimate educational interests include those directly related to the school official's professional responsibilities for classroom instruction, teaching, assessment and research, student achievement and progress, student discipline and student health or welfare or other legitimate professional responsibilities.

3. **Directory Information**

3.1 "Directory information"

3.1.1 Includes a student's name, date and place of birth, major field of study, participation and performance in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status, district-issued email address, grade level, degrees, honors, diplomas and awards received, honor roll, school of attendance, the most recent previous educational agency or institution attended, photographs and other visual and audio representations (for school-approved publications, yearbooks, newspapers, public presentations, ID badges, and publication on school-approved Internet pages) and student identification (ID) numbers, user IDs or other unique personal identifiers used by a student for purposes of accessing or communicating in electronic systems or displayed on an ID badge.

3.1.2 A student's identifier is directory information but educational records can only be accessed in conjunction with the use of a password or personal identification number (PIN) or other factor known or possessed only by the authorized user.

3.1.3 Directory information does not include identifying data which references religion, race, color, disability, social position or nationality.

3.1.4 Directory information also includes home addresses and home telephone numbers of students in grades 11 and 12, for the purpose of providing such information to military recruiting officials as requested by the military and to institutions of higher learning as requested by the institutions, in accordance with state and federal law.

3.1.5 Directory information also includes school schedule, daily attendance record and parent or guardian names for the purpose of providing such information to law enforcement officers.

3.1.6 Directory information also includes home addresses, and telephone numbers for release to the Dakota County Library for purposes of issuing a library card.

3.2 In accordance with the Minnesota Data Practices Act and federal law the district must release to military recruiting officers and institutions of higher learning the names, addresses and home telephone numbers of students in 11th and 12th grades within 60 days after the date of the request, unless parents or students refuse to release the information. Therefore, students' addresses and students' home telephone numbers are gathered only for 11th and 12th grade students, only for the purpose of providing the information to military recruiting officers and institutions of higher learning.

3.3 Directory information may be released to the public without prior parent, guardian or student consent unless the parent or student (if the student is 18 or older) has objected in writing to the release of one or more category of such information.

3.4 Parent(s), guardian(s), or students age 18 or older may object to the release of directory information by obtaining Procedure 505.2.4.3P, Denial of Release of Directory and Yearbook Information. The form should be completed and returned to your child's school.

3.5 If filed, the denial of release of information will remain in effect until such time as it is modified or rescinded by the parent or eligible student.

3.6 A parent/guardian may not prevent the disclosure of a student's name, identifier or district-issued email address in a class in which the student is enrolled or on a student ID badge.

4. **Inspection of Records** – The parent(s), guardian(s), or a student who is 18 or older, may request to inspect and review any of the student's educational records except those which are, by state or federal law, made confidential.

4.1 The district will comply with the request immediately, if possible, and, if not, within 10 days exclusive of weekends and holidays.

4.2 Copies of records may be obtained upon written request. A copying and handling fee will be charged.

5. **Challenge to Accuracy of Records** – A parent, guardian, or student 18 or older who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the district amend the record in question. Challenges may be made by requesting and filing Procedure 505.2.11P, Request to Amend Educational Records, with the Superintendent at Independent School District 196, 3455 153rd Street West, Rosemount, Minnesota 55068-4946.

5.1 If the Superintendent declines to amend the record as requested within 30 days, the parent, guardian, or student who is 18 or older, will be advised in writing of their right to request and obtain a hearing.

5.2 If either the Superintendent or, after hearing, the hearing officer appointed by the school district, determines that the record in question is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, the record will be amended, the parent, guardian, or student age 18 or older will be notified of the change, and an attempt will be made to notify past recipients of the data.

5.3 If, as a result of the hearing, it is determined that the challenged record is not inaccurate, misleading, incomplete or in violation of the privacy or other rights of the student, the parent, guardian, or student age 18 or older, will be notified of their rights to place a statement with the record commenting upon it and setting out any reason for disagreeing with the decision of the district.

5.4 The decision of the Superintendent as responsible authority or the hearing officer may, with regard only to questions of accuracy and completeness of records, be appealed in accordance with the applicable provisions of the State Administrative Procedures Act, Minnesota Statute Chapter 14, relating to contested cases.

5.5 To the extent that a record is alleged to be misleading or to violate the privacy or other rights of a student, in violation of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232[g] and 34 C.F.R. Part 99), neither state nor federal law provides for an appeal.

6. **Special Education Records** – District 196 complies with 34 C.F.R. Chapter III Section 300.624. At the time of graduation or when the student ages out of eligibility for special education services, special education records are no longer needed to provide educational services to the child.

   6.1 Requests for destruction of special education records can be made by:

      6.1.1 The graduated student, age 18 or older, or

      6.1.2 The non-graduated student age 22 or older, or

      6.1.3 The parent or guardian of a 17-year-old or younger graduated student, or

      6.1.4 A person assigned guardianship of a former student with a disability who is no longer eligible for special education services.

   6.2 Special education records are defined as any records stored in the district's child study files that include a referral form and the subsequent steps of evaluation and/or assessment, including: raw data, any record of staffing and/or team meeting, and IEP periodic review and annual review.

      6.2.1 Special education data includes but is not limited to the child study forms labeled CS1 through CS99 and any supporting data, as well as due process forms DP1 through DP12 and any supporting data, and any analogous forms used in the district prior to the development of the forms now in use.

      6.2.2 Special education records include records on students referred for special education service and denied assessment; referred for special education service, assessed and denied service; and/or assessed and granted service.

      6.2.3 There may be instances in which the director of special education may need to determine if records are special education records.

   6.3 A former District 196 student (or the parent or guardian of such a student) who is the subject of special education data may request destruction of special education records by calling 651-423-7628 or writing to the director of special education at Independent School District 196, 3455 153rd Street West, Rosemount, Minnesota, 55068-4946.

   6.4 Former students who are in doubt as to whether they are subjects of special education data or want more information regarding destruction of data may call 651-423-7628 for a determination. If records exist, the former student may request destruction of the data by writing to the director of special education at Independent School District 196, 3455 153rd Street West, Rosemount, Minnesota, 55068-4946.

   6.5 Under federal law, destruction can mean the physical removal of personal identifiers from information so that the information is no longer personally identifiable. The choice of destruction method generally lies with the school district.

   6.6 District 196 shall not destroy any education records if there is an outstanding request to inspect or review the records. In addition, despite a request to destroy records, the district can keep certain records necessary to comply with the General Education Provision Act (GEPA), which requires that recipients of federal funds keep records related to the use of those funds.

   6.7 When considering a request to destroy records, families should consider that a student may want to maintain certain special education records for documentation purposes in the future, such as for applying for SSI benefits.

7. **Transfer of Records to Other Schools** – District 196 forwards educational records, including disciplinary records, of students to other schools and school districts in which a student seeks or intends to enroll upon request of that school or school district. A parent, guardian, or student who is 18 years of age may request and receive a copy of the records which are transferred and may, pursuant to this policy, challenge the accuracy of the records. The district does not, however, notify parent(s), guardian(s), or students of age 18 or older prior to such transfer.

8. **Types and Purposes of Data Gathering: Right to Refuse or Not Refuse**

8.1 Educational programs administered by the district involve the submission by students of assignments, reports and, periodically, the taking of tests. The district may also collect information for purposes of student enrollment, the administration of various school programs and for purposes of student health and safety.

8.1.1 Information required to be submitted by students in connection with such reports, assignments and tests is private data under the terms of the Minnesota Government Data Practices Act, Minnesota Statute 13.01, et. seq. Such information is gathered and used as part of the educational process, in part to determine what the student is learning and what the student needs to learn. The district may also gather information from students when necessary to maintain the order and discipline of the school. In some cases this may include private data.

8.1.2 There is no legal requirement that the students submit such data, but their failure to do so will, of course, have a direct result upon grades which are measured by evaluating such information. In some cases, students may be required to share data when it is necessary to maintain order and discipline. Failure to provide data in such cases may lead to disciplinary action.

8.1.3 School officials within the school district may receive and use the collected data when they have a legitimate educational interest in evaluating the student's progress or maintaining the order and discipline of the school. Such information is treated as private information under the terms of the Minnesota Government Data Practices Act and is not to be disclosed to third parties, unless authorized by law, consistent with the terms of the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C.1232[g] and 34 C.F.R. Part 99), without the permission of the parent(s) or guardian(s) of minor students or students age 18 or older.

8.1.4 School officials may also use student data for research, including student data that is collected or assembled for purposes of student assessments. The research may be for developing, validating or administering predictive tests; to administer student aid programs, or to improve instruction. Student data collected or assembled for student assessments may be used in research that includes, but is not limited to norming studies, longitudinal or alignment studies and growth research. Parents, guardians and adult students may contact the district with questions about such research and may also refuse to participate in certain student assessments.

8.2 The information described above is maintained by the district in its educational records. There are two basic student record systems:

8.2.1 Cumulative records, gathered on all students in the regular education program and include, but may not be limited to, group achievement and ability measures, Title I services, English Language Learner services, Talent Development services, interest inventories, disciplinary interventions, transcripts and other records, and logs and notes as appropriate; and Child Study, records gathered when direct and indirect services and programs are delivered to individual students and include, but may not be limited to, individually administered achievement tests, sensory and motor function tests, intellectual measures and other records, individual educational plans, evaluation reports, and logs and notes as appropriate. Such services and programs include but are not limited to psychological and special education services.

9. **Location of Records** – The educational records gathered on students are maintained in secure locations in district schools and the District Office.

9.1 Cumulative records are maintained in the school the student attends. When the student graduates or transfers out of District 196, the records are maintained at the school of last attendance for one year. After one year the records are moved to the District Office and archived into the digital imaging system.

9.2 Current child study records are stored in the school the student attends. Historical child study records are transferred once per year to the District where they are archived into the digital imaging system. Questions may be addressed to the Director of Special Education or the principal of the school the student attends.

9.3 Records are released to outside individuals or agencies only according to provisions in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

9.4 Parents or students age 18 or older may request an opportunity to inspect records and/or receive copies of records according to provisions in Administrative Regulation 505.2AR, Protection and Privacy of Student Records. To make an appointment, Procedure 505.2.10P, Parent or Eligible Student Request to Inspect Records and/or Obtain Copies of Educational Records, should be completed and submitted to the principal of the school the student attends or last attended.

9.5 District policies, regulations and procedures are available on the district website.

10. **Complaints for Non-compliance** – Parent(s), guardian(s), and students age 18 or older may submit written complaints of violation of rights accorded them by 20 U.S.C. Section 1232(g) to the Student Privacy Policy Office, U. S. Department of Education, 400 Maryland Avenue, SW; Washington, DC 20202-8520.

11. **For More Information** – This review of the data privacy rights of students, and parent(s) and guardian(s) in the educational records maintained by District 196 is intended only to be a summary of the provisions of Administrative Regulation 505.2AR, Protection and Privacy of Student Records and applicable state and federal law. The policy and regulation are available on the district website www.district196.org. Questions about records stored at a school can be addressed to the principal. Questions about child study records can be addressed to the principal or to: Director of Special Education, Independent School District 196, 3455 153rd St. West, Rosemount, MN 55068, 651-423-7628.