

RICHFIELD PUBLIC SCHOOLS

PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

Richfield Public Schools 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/guardians and students are approved by the 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. Authorized Representative

“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

B. Biometric Record

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

C. 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.

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2 D. Dependent student.
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4 For purposes of this policy, a dependent student is the dependent of a
5 taxpayer, who:
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- 7 1. has the same principal place of abode as the taxpayer for more than half
8 of the taxable year; and
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10 2. has not provided over one half of their own support for the calendar year;
11 and
12
13 3. has not attained the age of 24.

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15 E. Directory information.
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17 Directory information means information contained in an education record of a
18 student which would not generally be considered harmful or an invasion of
19 privacy if disclosed. It includes, but is not limited to: the student's name, name
20 of school attended, dates of attendance, grade level, date of graduation,
21 participation in officially recognized activities and sports, weight and height of
22 members of athletic teams, degrees and awards received, as well as
23 photos/video (excluding security camera videos in schools and/or in school
24 buses) for school approved publications, school news purposes, school video
25 productions or local cable casts. Directory information does not include:
26

- 27 1. a student's social security number;
28
29 2. a student's identification number (ID), user ID, or other unique personal
30 identifier used by a student for purposes of accessing or communicating
31 in electronic systems if the identifier may be used to access education
32 records without use of one or more factors that authenticate the
33 student's identity such as a personal identification number (PIN),
34 password, or other factor known or possessed only by the authorized
35 user;
36
37 3. a student ID or other unique personal identifier that is displayed on a
38 student ID badge if the identifier can be used to gain access to
39 educational records when used in conjunction with one or more factors
40 that authenticate the student's identity, such as a PIN, password, or
41 other factor known or possessed only by the student;
42
43 4. personally identifiable data which references religion, race, color, social
44 position, or nationality; or
45
46 5. data collected from nonpublic school students, other than those who
47 receive shared-time educational services, unless written consent is given
48 by the student's parent/guardian.
49
50 6. A student or parent/guardian's personal contact information, such as
51 home address, telephone number, or email address.

1
2 F. Education records.
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4 1. What constitutes "education records." Education records means those
5 records which: (1) are directly related to a student; and (2) are
6 maintained by the school district or by a party acting for the school
7 district.
8

9 2. What does not constitute an education record. The term "education
10 records" does not include:
11

12 a. Records of instructional personnel that are:
13

- 14 (1) kept in the sole possession of the maker of the record
15 (2) used only as a personal memory aid
16 (3) not accessible or revealed to any other individual except a
17 temporary substitute teacher; and
18 (4) destroyed at the end of the school year.
19

20 b. Records of a law enforcement unit of the school district, provided
21 education records maintained by the school district are not
22 disclosed to the unit, and the law enforcement records are:
23

- 24 (1) maintained separately from education records;
25 (2) maintained solely for law enforcement purposes; and (3)
26 disclosed only to law enforcement officials of the same
27 jurisdiction.
28

29 c. Records relating to an individual, including a student, who is
30 employed by the school district which:
31

- 32 (1) are made and maintained in the normal course of business;
33 (2) relate exclusively to the individual in that individual's capacity
34 as an employee; and
35 (3) are not available for use for any other purpose.
36

37 However, records relating to an individual in attendance at the
38 school district who is employed as a result of their status as a
39 student are education records.
40

41 d. Records relating to an eligible student, or a student attending an
42 institution of post-secondary education, which are:
43

- 44 (1) made or maintained by a physician, psychiatrist, psychologist
45 or other recognized professional or paraprofessional acting in
46 their professional or paraprofessional capacity or assisting in
47 that capacity;
48 (2) made, maintained, or used only in connection with the
49 provision of treatment to the student; and
50 (3) disclosed only to individuals providing the treatment; provided
51 that the records can be personally reviewed by a physician or

1 other appropriate professional of the student's choice. For the
2 purpose of this definition, "treatment" does not include
3 remedial educational activities or activities that are a part of
4 the program of instruction within the school district.

5
6 e. Records created or received by the school district after an
7 individual is no longer a student at the school district and that are
8 not directly related to the individual's attendance as a student.

9
10 f. Grades on peer-related papers before the papers are collected and
11 recorded by a teacher.

12
13 G. Education Support Services Data

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15 "Education support services data" means data on individuals collected,
16 created, maintained, used, or disseminated relating to programs administered
17 by a government entity or entity under contract with a government entity
18 designed to eliminate disparities and advance equities in educational
19 achievement for youth by coordinating services available to participants,
20 regardless of the youth's involvement with other government services.
21 Education support services data does not include welfare data under
22 Minnesota Statutes, section 13.46.

23
24 Unless otherwise provided by law, all education support services data are
25 private data on individuals and must not be disclosed except according to
26 Minnesota Statutes, section 13.05 or a court order.

27
28 H. Eligible student.

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

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33 I. Juvenile justice system.

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35 Juvenile justice system includes criminal justice agencies and the judiciary
36 when involved in juvenile justice activities.

37
38 J. Legitimate educational interest.

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

- 44
45 1. Perform an administrative task required in the school or employee's
46 contract or position description approved by the school board;
47
48 2. Perform a supervisory or instructional task directly related to the
49 student's education;
50

1 3. Perform a service or benefit for the student or the student's family such
2 as health care, counseling, student job placement or student financial
3 aid; or

4
5 4. Perform a task directly related to responding to a request for data.
6

7 K. Parent.
8

9 Parent means a parent of a student and includes a natural parent, a guardian,
10 or an individual acting as a parent of the student in the absence of a parent or
11 guardian. The school district may presume the parent has the authority to
12 exercise the rights provided herein, unless it has been provided with evidence
13 that there is a state law or court order governing such matters as marriage
14 dissolution, separation or child custody, or a legally binding instrument which
15 provides to the contrary.
16

17 L. Personally identifiable.
18

19 Personally identifiable means that the data or information includes, but is not
20 limited to: (a) a student's name; (b) the name of the student's parent/guardian
21 or other family member; (c) the address of the student or student's family; (d)
22 a personal identifier such as the student's social security number or biometric
23 record, if applicable; (e) a list of personal characteristics that would make the
24 student's identity easily traceable; (f) other information that, alone or in
25 combination, is linked or linkable to a specific student that would allow a
26 reasonable person in the school community, who does not have personal
27 knowledge of the relevant circumstances, to identify the student with
28 reasonable certainty; or (g) information requested by a person who the school
29 district reasonably believes knows the identity of the student to whom the
30 education record relates.
31

32 M. Record.
33

34 Record means any information or data recorded in any way including, but not
35 limited to, handwriting, print, computer media, video or audio recording, film,
36 microfilm and microfiche.
37

38 N. Responsible authority.
39

40 Responsible authority: Craig Holje, Senior Executive Officer, 612-798-6031
41

42 O. Student.
43

44 Student includes any individual who is or has been in attendance, enrolled or
45 registered at the school district and regarding whom the school district
46 maintains education records. Student also includes applicants for enrollment
47 or registration at the school district, and individuals who receive shared-time
48 educational services from the school district.
49

50 P. School official.
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1 School official includes: (a) a person duly elected to the school board; (b) a
2 person employed by the school board in an administrative, supervisory,
3 instructional or other professional position; (c) a person employed by the
4 school board as a temporary substitute in a professional position for the
5 period of their performance as a substitute; and (d) a person employed by, or
6 under contract to, the school board to perform a special task such as a
7 secretary, a clerk, an attorney or an auditor for the period of their performance
8 as an employee or contractor; (e) application service provider in performance
9 of necessary functions of data collection, maintenance and storage.

10
11 Q. Summary data.

12
13 Summary data means statistical records and reports derived from data on
14 individuals but in which individuals are not identified and from which neither
15 their identities nor any other characteristic that could uniquely identify the
16 individual is ascertainable.

17
18 R. Other terms and phrases.

19
20 All other terms and phrases shall be defined in accordance with applicable
21 state and federal law or ordinary customary usage.

22
23 **IV. GENERAL CLASSIFICATION**

24
25 State law provides that all data collected, created, received or maintained by a
26 school district is public unless classified by state or federal law as not public or
27 private or confidential. State law classifies all data on individuals maintained by a
28 school district which relates to a student as private data on individuals. This data
29 may not be disclosed to parties other than the parent/guardian or eligible student
30 without consent, except pursuant to a valid court order, certain state statutes
31 authorizing access, and the provisions of 20 U.S.C. §1232g and the regulations
32 promulgated thereunder.

33
34 **V. STATEMENT OF RIGHTS**

35
36 A. Rights of parents/guardians and eligible students.

37
38 Parents/guardians and eligible students have the following rights under this
39 policy:

- 40
41 1. The right to inspect and review the student's education records;
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43 2. The right to request the amendment of the student's education records
44 to ensure that they are not inaccurate, misleading or otherwise in
45 violation of the student's privacy or other rights;
46
47 3. The right to consent to disclosures of personally identifiable information
48 contained in the student's education records, except to the extent that
49 such consent is not required for disclosure pursuant to this policy, state
50 or federal law, or the regulations promulgated thereunder.
51

- 1 4. The right to refuse release of names, addresses, and home telephone
2 numbers of students in grades 11 and 12 to military recruiting officers
3 and post-secondary educational institutions;
4
- 5 5. The right to file a complaint with the U.S. Department of Education
6 concerning alleged failures by the District to comply with the federal law
7 and the regulations promulgated thereunder;
8
- 9 6. The right to be informed about rights under the federal law; and
10
- 11 7. The right to obtain a copy of this policy at the location set forth in Section
12 XX of this policy.
13

14 B. Eligible students.

15
16 All rights and protections given parents/guardians under this policy transfer to
17 the student when they reach eighteen (18) years of age or enroll in an
18 institution of post-secondary education. The student then becomes an
19 "eligible student." However, the parents/guardians of an eligible student who
20 is also a "dependent student" are entitled to gain access to the educational
21 records of such student without first obtaining the consent of the student. In
22 addition, parents/guardians of an eligible student may be given access to
23 education records in connection with a health or safety emergency if the
24 disclosure meets the conditions of any provision set forth in 34 C.F.R. §
25 99.31(a).
26

27 C. Students with Disabilities

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29 The District shall follow 34 C.F.R. §§ 300.610-.617 with regard to the privacy,
30 notice, access, recordkeeping, and accuracy of information related to
31 students with a disability.
32

33 **VI. DISCLOSURE OF EDUCATION RECORDS**

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35 A. Consent required for disclosure.

- 36
37 1. The District shall obtain a signed and dated written informed consent of
38 the parent/guardian of a student or the eligible student before disclosing
39 personally identifiable information from the education records of the
40 student, except as provided herein.
41
- 42 2. The written consent required by this subdivision must be signed and
43 dated by the parent/guardian of the student or the eligible student giving
44 the consent and shall include:
45
 - 46 a. a specification of the records to be disclosed;
 - 47 b. the purpose or purposes of the disclosure;
 - 48 c. the party or class of parties to whom the disclosure may be made;
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- 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/guardian or eligible student so requests, the school district shall provide them with a copy of the records disclosed; and
 - b. if the parent/guardian 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. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.
- 5. 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;
 - 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:
 - (1) life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or

1 (2) medical assistance under Minn. Stat. Ch. 256B or Minnesota
2 Care under Minn. Stat. Ch. 256L, which shall be ongoing
3 during all terms of eligibility, for individualized education
4 program health-related services provided by a school district
5 that are subject to third party reimbursement.
6

7 6. Whenever a student has attained eighteen (18) years of age or is
8 attending an institution of post-secondary education, the rights accorded
9 to and the consent required of the parent/guardian of the student shall
10 thereafter only be accorded to and required of the eligible student,
11 except as provided in the Section V of this policy.
12

13 B. Prior consent for disclosure not required.

14 The District may disclose personally identifiable information from the
15 education records of a student without the written consent of the
16 parent/guardian of the student or the eligible student unless otherwise
17 provided herein, if the disclosure is:
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- 19
- 20 1. To other school officials, including teachers, within the District whom the
21 District determines have a legitimate educational interest in such
22 records;
23
 - 24 2. To a contractor, consultant, volunteer, or other party to whom the District
25 has outsourced institutional services or functions provided that the
26 outside party:
27
 - 28 a. performs an institutional service or function for which the school
29 district would otherwise use employees;
 - 30 b. is under the direct control of the District with respect to the use and
31 maintenance of education records; and
32
 - 33 c. will not disclose the information to any other party without the
34 prior consent of the parent/guardian or eligible student and uses the
35 information only for the purposes for which the disclosure was
36 made.
37
 - 38 3. To officials of other schools, school districts, or post-secondary
39 educational institutions in which the student seeks or intends to enroll, as
40 long as the disclosure is for purposes related to the student's enrollment
41 or transfer The records shall include information about disciplinary action
42 taken as a result of any incident in which the student possessed or used
43 a dangerous weapon and with proper annual notice (see Section XVIII),
44 suspension and expulsion information pursuant to section 7917 of the
45 federal Every Student Succeeds Act and, if applicable, data regarding a
46 student's history of violent behavior. The records also shall include a
47 copy of any probable cause notice or any disposition or court order
48 under Minn. Stat. § 260B.171, unless the data are required to be
49 destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. Upon
50 request, the District will provide the parent/guardian or eligible student
51

1 with a copy of the education records which have been transferred and
2 provide an opportunity for a hearing to challenge the content of those
3 records in accordance with the Section XIV of this policy.
4

5 4. To authorized representatives of the Comptroller General of the United
6 States, the Attorney General, the Secretary of the U.S. Department of
7 Education, or the Commissioner of the State Department of Education or
8 their representative, subject to the conditions relative to such disclosure
9 provided under federal law;

10
11 5. In connection with financial aid for which a student has applied or has
12 received, if the information is necessary for such purposes as to:

- 13
14 a. determine eligibility for the aid;
15
16 b. determine the amount of the aid;
17
18 c. determine conditions for the aid; or
19
20 d. enforce the terms and conditions of the aid.
21

22 "Financial aid" for purposes of this provision means a payment of funds
23 provided to an individual or a payment in kind of tangible or intangible
24 property to the individual that is conditioned on the individual's
25 attendance at an educational agency or institution.
26

27 6. To state and local officials or authorities to whom such information is
28 specifically allowed to be reported or disclosed pursuant to state statute
29 adopted:

- 30
31 a. before November 19, 1974, if the allowed reporting or disclosure
32 concerns the juvenile justice system and such system's ability to
33 effectively serve the student whose records are released; or
34
35 b. after November 19, 1974, if the reporting or disclosure allowed by
36 state statute concerns the juvenile justice system and the system's
37 ability to effectively serve, prior to adjudication, the student whose
38 records are released, provided the officials and authorities to whom
39 the records are disclosed certify in writing to the school district that
40 the data will not be disclosed to any other party, except as provided
41 by state law, without the prior written consent of the
42 parent/guardian of the student. At a minimum, the school district
43 shall disclose the following information to the juvenile justice
44 system under this paragraph: a student's full name, home address,
45 telephone number, and date of birth; a student's school schedule,
46 attendance record, and photographs, if any; and parents/guardians'
47 names, home addresses, and telephone numbers.
48

49 7. To organizations conducting studies for or on behalf of educational
50 agencies or institutions for the purpose of developing, validating or
51 administering predictive tests, administering student aid programs or

1 improving instruction; provided that the studies are conducted in a
2 manner which does not permit the personal identification of
3 parents/guardian or students by individuals other than representatives of
4 the organization who have a legitimate interest in the information, and
5 the information is destroyed when no longer needed for the purposes for
6 which the study was conducted, and the school district enters into a
7 written agreement with the organization that:

- 8
- 9 a. specifies the purpose, scope, and duration of the study or studies
10 and the information to be disclosed;
 - 11
 - 12 b. requires the organization to use personally identifiable information
13 from education records only to meet the purpose or purposes of the
14 study as stated in the written agreement;
 - 15
 - 16 c. requires the organization to conduct the study in a manner that
17 does not permit personal identification of parents/guardians and
18 students by anyone other than representatives of the organization
19 with legitimate interests; and
 - 20
 - 21 d. requires the organization to destroy all personally identifiable
22 information when information is no longer needed for the purposes
23 for which the study was conducted and specifies the time period in
24 which the information must be destroyed.
 - 25

26 For purposes of this provision, the term "organizations" includes, but is
27 not limited to, federal, state and local agencies and independent
28 organizations. In the event the Department of Education determines that
29 a third party outside of the school district to whom information is
30 disclosed violates this provision, the school district may not allow that
31 third party access to personally identifiable information from education
32 records for at least five years.

- 33
- 34 8. To accrediting organizations in order to carry out their accrediting
35 functions;
 - 36
 - 37 9. To parents/guardians of a dependent student or to the student
38 themselves;
 - 39
 - 40 10. To comply with a judicial order or lawfully issued subpoena, provided,
41 however, that the District makes a reasonable effort to notify the
42 parent/guardian or eligible student of the order in advance of compliance
43 therewith so that the parent/guardian or eligible student may seek
44 protective action, unless the disclosure is in compliance with a federal
45 grand jury subpoena, or any other subpoena issued for law enforcement
46 purposes, and the court or other issuing agency has ordered that the
47 existence or the contents of the subpoena or the information furnished in
48 response to the subpoena not be disclosed, or the disclosure is in
49 compliance with an ex parte court order obtained by the United States
50 Attorney General (or designee not lower than an Assistant Attorney
51 General) concerning investigations or prosecutions of an offense listed in

1 18 United States Code, section 2332b(g)(5)(B), an act of domestic or
2 international terrorism as defined in 18 United States Code, section
3 2331, or a parent/guardian is a party to a court proceeding involving
4 child abuse and neglect or dependency matters, and the order is issued
5 in the context of the proceeding. In addition, if the District initiates legal
6 action against a parent/guardian or student and has made a reasonable
7 effort to notify the parent/guardian or eligible student in advance of its
8 use, it may disclose the student's education records that are relevant to
9 the action to the court without a court order or subpoena. Also, if a
10 parent/guardian or eligible student initiates a legal action against the
11 District, the District may disclose to the court, without a court order or
12 subpoena, the student's education records that are relevant for the
13 District to defend itself;

- 14
- 15 11. To appropriate parties, including parents/guardians of an eligible
16 student, in connection with an emergency if knowledge of the information
17 is necessary to protect the health, including the mental health, or safety
18 of the student or other individuals. The decision is to be based upon
19 information available at the time the threat occurs that indicates that
20 there is an articulable and significant threat to the health or safety of a
21 student or other individuals. In making a determination whether to
22 disclose information under this section, the District may take into account
23 the totality of the circumstances pertaining to a threat and may disclose
24 information from education records to any person whose knowledge of
25 the information is necessary to protect the health or safety of the student
26 or other students. A record of this disclosure must be maintained
27 pursuant to Section XII of this policy. In addition, an educational agency
28 or institution may include in the educational records of a student,
29 appropriate information concerning disciplinary action taken against the
30 student for conduct that posed a significant risk to the safety or well-
31 being of that student, other students, or other members of the school
32 community. This information may be disclosed to teachers and school
33 officials within the school district and/or teachers and school officials in
34 other schools who have legitimate educational interests in the behavior
35 of the student.
36
- 37 12. Information the District has designated as "directory information"
38 pursuant to Section VII of this policy.
39
- 40 13. To the parent/guardian of a student who is not an eligible student or to
41 the student themselves.
42
- 43 14. To appropriate health authorities to the extent necessary to administer
44 immunization programs and for bona fide epidemiologic investigations
45 which the commissioner of health determines are necessary to prevent
46 disease or disability to individuals in the public educational agency or
47 institution in which the investigation is being conducted.
48
- 49 15. To volunteers who are determined to have a legitimate educational
50 interest in the data and who are conducting activities and events

1 sponsored by or endorsed by the educational agency or institution for
2 students or former students.

3
4 16. To the juvenile justice system if information about the behavior of a
5 student who poses a risk of harm is reasonably necessary to protect the
6 health or safety of the student or other individuals.

7
8 17. To military recruiting officers and post-secondary institutions, under the
9 following circumstances. The District shall release to military recruiting
10 officers and post-secondary institutions the names, addresses, email
11 addresses (which shall be the email addresses provided by the District)
12 and home telephone numbers of students in grades 11 and 12, within 60
13 days after the date of request for such data, unless a parent/guardian or
14 eligible student has refused in writing to release this data.

15
16 The District shall give parents/guardians and students notice of the right
17 to refuse release of this data to military recruiting officers, by publishing
18 the notice in the Richfield Public Schools handbook, or by other means
19 reasonably likely to inform the parents/guardians and students of the
20 right. If a parent/guardian or eligible student objects to the release of this
21 data to military recruiting officers, the data shall not be disclosed.

22
23 Parents/guardians or eligible students wishing to prevent the release of
24 data to military recruiters and post-secondary institutions must provide
25 written notice to the District that they do not want the District to release
26 the student's name, address, email address and/or home telephone
27 number. Such notice must be provided to the District within 30 days after
28 the District disseminates its annual data practices notice, or by October
29 1 of each school year, whichever is later.

30
31 Data released to military recruiting officers under this provision:

- 32
33 a. may be used only for the purpose of providing information to
34 students about military service, state and federal veterans'
35 education benefits, and other career and educational opportunities
36 provided by the military;
37
38 b. cannot be further disseminated to any other person except
39 personnel of the recruiting services of the armed forces; and
40
41 c. copying fees shall not be imposed.

42
43 A parent/guardian or eligible student's refusal to release the above
44 information to military recruiting officers and post-secondary educational
45 institutions does not affect the District's release of directory information
46 to the rest of the public, which includes military recruiting officers and
47 post-secondary educational institutions. In order to make any directory
48 information about a student private, the procedures contained in Section
49 VII of this policy also must be followed. Accordingly, to the extent the
50 District has designated the name and grade level of students as
51 directory information, absent a request from a parent/guardian or eligible

1 student not to release such data, this information will be public data and
2 accessible to members of the public, including military recruiting officers
3 and post-secondary educational institutions.
4

5 18. To the juvenile justice system, on written request that certifies that the
6 information will not be disclosed to any other person except as
7 authorized by law without the written consent of the parent/guardian of
8 the student:
9

10 a. the following information about a student must be disclosed: a
11 student's full name, home address, telephone number, date of birth;
12 a student's school schedule, attendance record, and photographs,
13 if any; and any parents/guardians' names, home addresses, and
14 telephone numbers;
15

16 b. the existence of the following information about a student, not the
17 actual data or other information contained in the student's
18 educational record, may be disclosed provided that a request for
19 access must be submitted on the statutory form and it must contain
20 an explanation of why access to the information is necessary to
21 serve the student:
22

- 23 (1) use of a controlled substance, alcohol, or tobacco;
- 24 (2) assaultive or threatening conduct that could result in dismissal
25 from school under the Pupil Fair Dismissal Act;
- 26 (3) possession or use of weapons or look-alike weapons;
- 27 (4) theft; or
- 28 (5) vandalism or other damage to property.
29

30 Prior to releasing this information, the principal or chief
31 administrative officer of a school who receives such a request must,
32 to the extent permitted by federal law, notify the student's
33 parent/guardian by certified mail of the request to disclose
34 information. If the student's parent/guardian notifies the school
35 official of an objection to the disclosure within ten (10) days of
36 receiving certified notice, the school official must not disclose the
37 information and instead must inform the requesting member of the
38 juvenile justice system of the objection. If no objection from the
39 parent/guardian is received within fourteen (14) days, the school
40 official must respond to the request for information.
41

42 The written requests of juvenile justice system member(s), as well
43 as a record of any release, must be maintained in the student's file.
44

45 19. To the principal where the student attends and to any counselor
46 directly supervising or reporting on the behavior or progress of the
47 student if it is information from a disposition order received by a
48 superintendent under Minn. Stat. §260B.171, Subd. 3. The principal
49 must notify the counselor immediately and must place the
50 disposition order in the student's permanent education record. The
51 principal also must notify immediately any teacher or administrator

1 who directly supervises or reports on the behavior or progress of
2 the student whom the principal believes needs the information to
3 work with the student in an appropriate manner, to avoid being
4 needlessly vulnerable, or to protect other persons from needless
5 vulnerability. The principal may also notify other District employees,
6 substitutes, and volunteers who are in direct contact with the
7 student if the principal determines that these individuals need the
8 information to work with the student in an appropriate manner, to
9 avoid being needlessly vulnerable, or to protect other persons from
10 needless vulnerability. Such notices from the principal must identify
11 the student, outline the offense, and described any conditions of
12 probation about which the school must provide information if this
13 information is provided in the disposition order. Disposition order
14 information received is private educational data received for the
15 limited purpose of serving the educational needs of the student and
16 protecting students and staff. The information may not be further
17 disseminated by the counselor, teacher, administrator, staff
18 member, substitute, or volunteer except as necessary to serve the
19 student, to protect students and staff, or as otherwise required by
20 law, and only to the student or the student's parent/guardian.

- 21
- 22 20. To the principal where the student attends if it is information from a
23 peace officer's record of children received by a superintendent
24 under Minn. Stat. §260B.171, Subd. 5. The principal must place the
25 information in the student's educational record. The principal also
26 must notify immediately any teacher, counselor, or administrator
27 directly supervising the student whom the principal believes needs
28 the information to work with the student in an appropriate manner,
29 to avoid being needlessly vulnerable, or to protect other persons
30 from needless vulnerability. The principal may also notify other
31 District employees, substitutes, and volunteers who are in direct
32 contact with the student if the principal determines that these
33 individuals need the information to work with the student in an
34 appropriate manner, to avoid being needlessly vulnerable, or to
35 protect other persons from needless vulnerability. Such notices
36 from the principal must identify the student and describe the alleged
37 offense if this information is provided in the peace officer's notice.
38 Peace officer's record information received is private educational
39 data received for the limited purpose of serving the educational
40 needs of the student and protecting students and staff. The
41 information must not be further disseminated by the counselor,
42 teacher, administrator, staff member, substitute, or volunteer except
43 to communicate with the student or the student's parent/guardian
44 as necessary to serve the student, to protect students and staff, or
45 as otherwise required by law.

46

47 The principal must delete the peace officer's record from the
48 student's educational record, destroy the data, and make
49 reasonable efforts to notify any teacher, counselor, staff member,
50 administrator, substitute, or volunteer who received information
51 from the peace officer's record if the county attorney determines not

1 to proceed with a petition or directs the student into a diversion or
2 mediation program or if a juvenile court makes a decision on a
3 petition and the county attorney or juvenile court notifies the
4 superintendent of such action.
5

6 21. To the Secretary of Agriculture, or authorized representative from
7 the Food and Nutrition Service or contractors acting on behalf of
8 the Food and Nutrition Service, for the purposes of conducting
9 program monitoring, evaluations, and performance measurements
10 of state and local educational and other agencies and institutions
11 receiving funding or providing benefits of one or more programs
12 authorized under the National School Lunch Act or the Child
13 Nutrition Act of 1966 for which the results will be reported in
14 an aggregate form that does not identify any individual, on the
15 conditions that: (a) any data collected shall be protected in a
16 manner that will not permit the personal identification of students
17 and their parents/guardians by other than the authorized
18 representatives of the Secretary; and (b) any personally identifiable
19 data shall be destroyed when the data are no longer needed for
20 program monitoring, evaluations, and performance measurements.
21

22 22. To an agency caseworker or other representative of a State or local
23 child welfare agency, or tribal organization (as defined in 25 U.S.C.
24 § 5304), who has the right to access a student's case plan, as
25 defined and determined by the State or tribal organization, when
26 such agency or organization is legally responsible, in accordance
27 with State or tribal law, for the care and protection of the student,
28 provided that the education records, or the personally identifiable
29 information contained in such records, of the student will not be
30 disclosed by such agency or organization, except to an individual or
31 entity engaged in addressing the student's education needs and
32 authorized by such agency or organization to receive such
33 disclosure and such disclosure is consistent with the State
34 or tribal laws applicable to protecting the confidentiality of a
35 student's education records.
36

37 23. When requested, and in accordance with requirements for parental
38 consent in 34 Code of Federal Regulations, section 300.622(b)(2),
39 and part 99, educational agencies or institutions may share
40 personal student contact information and directory information for
41 students served in special education with postsecondary transition
42 planning and services under Minnesota Statutes, section 125A.08,
43 paragraph (b), clause (1), whether public or private, with the
44 Minnesota Department of Employment and Economic
45 Development, as required for coordination of services to students
46 with disabilities under Minnesota Statutes, sections 125A.08,
47 paragraph (b), clause (1); 125A.023; and 125A.027.
48

49 C. Nonpublic School Students
50

1 The District may disclose personally identifiable information from the
2 education records of a nonpublic school student, other than a student who
3 receives shared-time educational services, without the written consent of the
4 parent/guardian of the student or the eligible student unless otherwise
5 provided herein, if the disclosure is:
6

- 7 1. Pursuant to a valid court order;
- 8
- 9 2. Pursuant to a statute specifically authorizing access to the private
10 data; or
- 11
- 12 3. To appropriate health authorities to the extent necessary to
13 administer immunization programs and for bona fide
14 epidemiological investigations which the commissioner of health
15 determines are necessary to prevent disease or disability to
16 individuals in the public educational agency or institution in which
17 the investigation is being conducted.
- 18

19 VII. RELEASE OF DIRECTORY INFORMATION

20 A. Classification.

21 Directory information is public except as provided herein.
22

23 B. Former students.

24 Unless a former student validly opted out of the release of directory
25 information while the student was in attendance and has not rescinded the
26 opt out request at any time, the District may disclose directory information
27 from the education records generated by it regarding the former student
28 without meeting the requirements of Paragraph C of this Section. In addition,
29 under an explicit exclusion from the definition of an "education record," the
30 District may release records that only contain information about an individual
31 obtained after they are no longer a student at the District and that are not
32 directly related to the individual's attendance as a student (e.g., a student's
33 activities as an alum of the District).
34

35 C. Present Students and Parents/Guardians.

36 The District may disclose directory information from the education records of
37 a student and information regarding parents/guardians without prior written
38 consent of the parent/guardian of the student or eligible student, except as
39 provided herein. Prior to such disclosure the District shall:
40

- 41 1. Annually, give public notice by any means that are reasonably likely to
42 inform the parents/guardians and eligible students of:
43
- 44 a. the types of personally identifiable information regarding students
45 and/or parents/guardians that the District has designated as
46 directory information;
47
- 48
- 49
- 50
- 51

- 1 b. the parent/guardian's or eligible student's right to refuse to let the
2 District designate any or all of those types of information about the
3 student and/or the parent/guardian as directory information; and
4
5 c. the period of time in which a parent/guardian or eligible student has
6 to notify the District in writing that they do not want any or all of
7 those types of information about the student and/or the
8 parent/guardian designated as directory information.
9

- 10 2. Allow a reasonable period of time after such notice has been given for a
11 parent/guardian or eligible student to inform the District, in writing, that
12 any or all of the information so designated should not be disclosed
13 without the parent/guardian's or eligible student's prior written consent,
14 except as provided in Section VI of this policy.
15

16 A parent/guardian or eligible student may not opt out of the directory
17 information disclosures to:

- 18
19 a. prevent the District from disclosing or requiring the student to
20 disclose the student's name, ID, or District e-mail address in a class
21 in which the student is enrolled; or
22
23 b. prevent the District from requiring a student to wear, to display
24 publicly, or to disclose a student ID card or badge that exhibits
25 information that may be designated as directory information and
26 that has been properly designated by the school district as directory
27 information.
28

29 The school district shall not disclose or confirm directory information
30 without meeting the written consent requirements contained in Section
31 VI of this policy if a student's social security number or other
32 nondirectory information is used alone or in combination with other data
33 elements to identify or help identify the student or the student's records.
34

35 D. Procedure for obtaining nondisclosure of directory information.
36

37 The parent/guardian's or eligible student's written notice shall be directed to
38 the responsible authority and shall include the following:
39

- 40 1. Name of the student and/or parent/guardian, as appropriate;
41
42 2. Home address;
43
44 3. School presently attended by student;
45
46 4. Parent/guardian's legal relationship to student, if applicable; and
47
48 5. Specific categories of directory information to be made not public without
49 the parent/guardian's or eligible student's prior written consent, which
50 shall only be applicable for that school year.
51

1 E. Duration.
2

3 The designation of any information as directory information about a student or
4 parents/guardians will remain in effect for the remainder of the school year
5 unless the parent/guardian or eligible student provides the written notifications
6 provided herein.
7

8 **VIII. DISCLOSURE OF PRIVATE RECORDS**
9

10 A. Private records.
11

12 For the purposes herein, education records are records which are classified
13 as private data on individuals by state law and which are accessible only to
14 the student subject of the data and the student's parent/guardian if the
15 student is not an eligible student. The District may not disclose private
16 records or their contents except as summary data, or except as provided in
17 Section VI of this policy, without the prior written consent of the
18 parent/guardian or the eligible student. The District will use reasonable
19 methods to identify and authenticate the identity of parents/guardians,
20 students, school officials, and any other party to whom personally identifiable
21 information from education records is disclosed.
22

23 B. Private records not accessible to parent/guardian
24

25 In certain cases, state law intends, and clearly provides, that certain health
26 data contained in the education records of the District pertaining to a student
27 be accessible to the student alone, and to the parent/guardian only under
28 special circumstances, if at all.
29

30 1. The responsible authority may deny access to private data by a
31 parent/guardian when a minor student who is the subject of that data
32 requests that the responsible authority deny such access. The minor
33 student's request must be submitted in writing setting forth the reasons
34 for denying access to the parent/guardian and must be signed by the
35 minor. Upon receipt of such request the responsible authority shall
36 determine if honoring the request to deny the parent/guardian access
37 would be in the best interest of the minor data subject. In making this
38 determination the responsible authority shall consider the following
39 factors:
40

41 a. whether the minor is of sufficient age and maturity to be able to
42 explain the reasons for and understand the consequences of the
43 request to deny access;
44

45 b. whether the personal situation of the minor is such that denying
46 parental access may protect the minor data subject from physical or
47 emotional harm;
48

49 c. whether there are grounds for believing that the minor data
50 subject's reasons for precluding parental access are reasonably
51 accurate;

- 1
2 d. whether the data in question is of such a nature that disclosure of it
3 to the parent/guardian may lead to physical or emotional harm to
4 the minor data subject; and
5
6 e. whether the data concerns medical, dental or other health services
7 provided pursuant to Minn. Stat. §§ 144.341 to 144.347, in which
8 case the data may be released only if the failure to inform the
9 parent/guardian would seriously jeopardize the health of the minor.

10
11 C. Private records not accessible to student.

12
13 Students shall not be entitled to access to private data concerning financial
14 records and statements of the student's parent/guardian or any information
15 contained therein.
16

17 **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

18
19 A. Confidential records.

20
21 Confidential records are those records and data contained therein which are
22 made not public by state or federal law, and which are inaccessible to the
23 student and the student's parents/guardians or an eligible student.
24

25 B. Reports under the Maltreatment of Minors Reporting Act.

26
27 Pursuant to Minn. Stat. §260E.35, written copies of reports pertaining to a
28 neglected and/or physically and/or sexually abused child shall be accessible
29 only to the appropriate welfare and law enforcement agencies. In respect to
30 other parties, such data shall be confidential and will not be made available to
31 the parent/guardian or the subject individual by the District. The data subject,
32 however, may obtain a copy of the report from either the local welfare agency,
33 county sheriff or the local police department subject to the provisions of Minn.
34 Stat. § 260E.35, Subd. 3(a).
35

36 Regardless of whether a written report is made under Minn. Stat. § 626.556,
37 Subd. 7, as soon as practicable after a school receives information regarding
38 an incident that may constitute maltreatment of a child in a school facility, the
39 school shall inform the parent, legal guardian, or custodian of the child that an
40 incident occurred that may constitute maltreatment of the child, when the
41 incident occurred, and the nature of the conduct that may constitute
42 maltreatment.
43

44 C. Investigative data.

45
46 Data collected by the District as part of an active investigation undertaken for
47 the purpose of the commencement or defense of pending civil legal action, or
48 which are retained in anticipation of a pending civil legal action are classified
49 as protected nonpublic data in the case of data not on individuals, and
50 confidential data in the case of data on individuals.
51

- 1 1. The District may make any data classified as protected non-public or
2 confidential pursuant to this subdivision accessible to any person,
3 agency or the public if the District determines that such access will aid
4 the law enforcement process, promote public health or safety, or dispel
5 widespread rumor or unrest.
6
- 7 2. A complainant has access to a statement provided by the complainant to
8 the District.
9
- 10 3. Parents/guardian or eligible students may have access to investigative
11 data of which the student is the subject, but only to the extent the data is
12 not inextricably intertwined with data about other District students,
13 District employees, and/or attorney data as defined in Minn. Stat. §
14 13.393
15
- 16 4. Once a civil investigation becomes inactive, civil investigative data
17 becomes public unless the release of the data would jeopardize another
18 pending civil legal action, except for those portions of such data that are
19 classified as not public data under state or federal law. Any civil
20 investigative data presented as evidence in court or made part of a court
21 record shall be public. For purposes of this provision, a civil investigation
22 becomes inactive upon the occurrence of any of the following events:
23
 - 24 a. a decision by the District, or by the chief attorney for the District, not
25 to pursue the civil legal action. However, such investigation may
26 subsequently become active if the District or its attorney decides to
27 renew the civil legal action;
28
 - 29 b. the expiration of the time to file a complaint under the statute of
30 limitations or agreement applicable to the civil legal action; or
31
 - 32 c. the exhaustion or expiration of rights of appeal by either party to the
33 civil legal action.
34
- 35 5. A "pending civil legal action" for purposes of this subdivision is defined
36 as including, but not limited to, judicial, administrative or arbitration
37 proceedings.
38

39 D. Chemical Abuse Records

40
41 To the extent the District maintains records of the identity, diagnosis,
42 prognosis, or treatment of any student which are maintained in connection
43 with the performance of any drug abuse prevention function conducted,
44 regulated, or directly or indirectly assisted by any department or agency of the
45 United States, such records are classified as confidential and shall be
46 disclosed only for the purposes and under the circumstances expressly
47 authorized by law.
48

49 X. **DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR**
50 **EXPULSION HEARING**
51

1 At a reasonable time prior to any exclusion or expulsion hearing the student, the
2 student's parent/guardian or representative shall be given access to all District
3 records pertaining to the student, including any tests or reports upon which the
4 action proposed by the District may be based, pursuant to the Minnesota Pupil Fair
5 Dismissal Act, Minn. Stat. §121A.40 et. seq.
6

7 **XI. LIMITS ON REDISCLOSURE**

8
9 A. Redisclosure.

10
11 Consistent with the requirements herein, the District may only disclose
12 personally identifiable information from the education records of a student on
13 the condition that the party to whom the information is to be disclosed will not
14 disclose the information to any other party without the prior written consent of
15 the parent/guardian of the student or the eligible student, except that the
16 officers, employees and agents of any party receiving personally identifiable
17 information under this section may use the information, but only for the
18 purposes for which the disclosure was made.
19

20 B. Redisclosure not prohibited.

- 21
22 1. Paragraph A of this section does not preclude the District from disclosing
23 personally identifiable information under Section VI of this policy with the
24 understanding that the party receiving the information may make further
25 disclosures of the information on behalf of the District, provided:
26
27 a. The disclosures meet the requirements of Section VI of this policy;
28 and
29
30 b. The District has complied with the recordkeeping requirements of
31 Section XII of this policy.
32
33 2. Paragraph A of this section does not apply to disclosures made pursuant
34 to court orders or lawfully issued subpoenas or litigation, to disclosures
35 of directory information, or to disclosures to a parent/guardian or student
36 or to parents/guardians of dependent students, or to disclosures
37 concerning sex offenders and other individuals required to register under
38 42 U.S.C. § 14071. However, the District must provide the notification
39 required in Paragraph D of this section if a redisclosure is made based
40 upon a court order or lawfully issued subpoena.
41

42 C. Classification of disclosed data.

43
44 The information disclosed shall retain the same classification in the hands of
45 the party receiving it as it had in the hands of the District.
46

47 D. Notification.

48
49 The District shall inform the party to whom a disclosure is made of the
50 requirements set forth in this section, except for disclosures made pursuant to
51 court orders or lawfully issued subpoenas, disclosure of directory information

1 under Section VI of this policy, or disclosures to a parent/guardian or student.
2 In the event that the Family Policy Compliance Office determines that a third
3 party improperly rediscloses personally identifiable information from education
4 records, the District may not allow that third party access to personally
5 identifiable information from education records for at least five years.
6

7 **XII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING**
8

9 A. Responsible authority.

10 The responsible authority shall be responsible for the maintenance and
11 security of student records.
12

13 B. Record security.

14 The principal of each school subject to the supervision and control of the
15 responsible authority shall be the records manager of the school, and shall
16 have the duty of maintaining and securing the privacy and/or confidentiality of
17 student records.
18

19 C. Plan for securing student records.

20 The building principal shall submit to the responsible authority a written plan
21 for securing students records by September 1 of each school year. The
22 written plan shall contain the following information:
23

- 24 1. A description of records maintained;
- 25 2. Titles and addresses of person(s) responsible for the security of student
26 records;
- 27 3. Location of student records, by category, in the buildings;
- 28 4. Means of securing student records; and
- 29 5. Procedures for access and disclosure.
30

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

32 The responsible authority shall review the plans submitted pursuant to
33 Paragraph C of this Section for compliance with the law, this policy and the
34 various administrative policies of the District. The responsible authority shall
35 then promulgate a chart incorporating the provisions of Paragraph C which
36 shall be attached to and become a part of this policy.
37

38 E. Recordkeeping.

- 39 1. The principal shall, for each request for and each disclosure of
40 personally identifiable information from the education records of a
41 student, maintain a record with the education records of the student
42 which indicates:
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- a. the parties who have requested or received personally identifiable information from the education records of the student;
 - b. the legitimate interests these parties had in requesting or obtaining the information; and
 - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the District discloses personally identifiable information from an education record of a student pursuant to Section XI of this policy, the record of disclosure required under this section shall also include:
- a. the names of the additional parties to which the receiving party may disclose the information on behalf of the District; and
 - b. the legitimate interests under Section VI of this policy which each of the additional parties has in requesting or obtaining the information; and
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI of this policy in accordance with 34 C.F.R. § 99.32 and to whom the District disclosed information from an education record. The 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/guardian or eligible student to review the record of requests for disclosure.
3. Paragraph E.1 of this section does not apply to requests by or disclosure to a parent/guardian of a student or an eligible student, disclosures pursuant to the written consent of a parent/guardian of a student or an eligible student, requests by or disclosures to other school officials under Section VI of this policy, to requests for disclosures of directory information under Section VII of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:

- 1 a. the parent/guardian of the student or the eligible student;
- 2
- 3 b. the school official or their assistants who are responsible for the
- 4 custody of the records; and
- 5
- 6 c. the parties authorized by law to audit the recordkeeping procedures
- 7 of the District.
- 8
- 9 5. The District shall record the following information when it discloses
- 10 personally identifiable information from education records under the
- 11 health or safety emergency exception:
- 12
- 13 a. the articulable and significant threat to the health or safety of a
- 14 student or other individual that formed the basis for the disclosure;
- 15 and
- 16
- 17 b. the parties to whom the District disclosed the information.
- 18
- 19 6. The record of requests and disclosures shall be maintained with the
- 20 education records of the student as long as the District maintains the
- 21 student's education records.
- 22

23 XIII. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- 24
- 25 A. Parent/guardian of a student, an eligible student or the parent/guardian of an
- 26 eligible student who is also a dependent student.
- 27

28 The District shall permit the parent/guardian of a student, an eligible student

29 or the parent/guardian of an eligible student who is also a dependent student

30 who is or has been in attendance in the District to inspect or review the

31 education records of the student, except those records which are made

32 confidential by state or federal law or as otherwise provided in Section IX of

33 this policy.

34

- 35 B. Response to request for access.
- 36

37 The District shall respond to any request pursuant to Paragraph A of this

38 section immediately, if possible, or within ten (10) days of the date of the

39 request, excluding Saturdays, Sundays and legal holidays.

40

- 41 C. Right to inspect and review.
- 42

43 The right to inspect and review education records under Paragraph A of this

44 section includes:

45

- 46 1. The right to a response from the District to reasonable requests for
- 47 explanations and interpretations of records; and
- 48
- 49 2. If circumstances effectively prevent the parent/guardian or eligible
- 50 student from exercising the right to inspect and review the education
- 51 records, the District shall provide the parent/guardian or eligible student

1 with a copy of the records requested, or make other arrangements for
2 the parent/guardian or eligible student to inspect and review the
3 requested records.
4

- 5 3. Nothing in this policy shall be construed as limiting the frequency of
6 inspection of the educational records of a student with a disability by the
7 student's parent/guardian or by the student upon the student reaching
8 the age of majority.
9

10 D. Form of request.
11

12 Parents/guardians or eligible students shall submit to the District a written
13 request to inspect education records which identify as precisely as possible
14 the record or records they wish to inspect.
15

16 E. Collection of student records.
17

18 If a student's education records are maintained in more than one location, the
19 responsible authority may collect copies of the records or the records
20 themselves from the various locations so they may be inspected at one site.
21 However, if the parent/guardian or eligible student wishes to inspect these
22 records where they are maintained, the District shall attempt to accommodate
23 those wishes. The parent/guardian or eligible student shall be notified of the
24 time and place where the records may be inspected.
25

26 F. Records containing information on more than one student.
27

28 If the education records of a student contain information on more than one
29 student, the parent/guardian or eligible student may inspect and review or be
30 informed of only the specific information which pertains to that student.
31

32 G. Authority to inspect or review.
33

34 The District may presume that either parent/guardian of the student has
35 authority to inspect or review the education records of a student unless the
36 District has been provided with evidence that there is a legally binding
37 instrument or a state law or court order governing such matters as marriage
38 dissolution, separation or custody which provides to the contrary.
39

40 H. Fees for copies of records.
41

- 42 1. The District shall charge a reasonable fee for providing photocopies or
43 printed copies of records unless printing a copy is the only method to
44 provide for the inspection of data. In determining the amount of the
45 reasonable fee, the District shall consider the following:
46

- 47 a. the cost of materials, including paper, used to provide the copies;
48
49 b. the cost of the labor required to prepare the copies;
50

- c. any schedule of standard copying charges established by the District in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine-based recordkeeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the charge shall be no more than 25 cents for each page copied.
 3. The cost of providing copies shall be borne by the parent/guardian or eligible student.
 4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent/guardian or eligible student if doing so would effectively prevent the parent/guardian or eligible student from exercising their right to inspect or review the student's education records.
 5. The District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be the actual search/retrieval and copying costs, as permitted by law, plus postage, if that is involved.

XIV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to amend education records.

The parent/guardian 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 District amend those records.

1. The request shall be in writing, shall identify the item the requester 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 requester wishes the District to make. The request shall be signed and dated by the requester.
2. The District shall decide whether to amend the education records of the student in accordance with the request within 30 days after receiving the request.
3. If the District decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent/guardian of the student or the eligible student of the refusal and

1 advise the parent/guardian or eligible student of the right to a hearing
2 under Paragraph B of this section.
3

4 B. Right to a hearing.
5

6 If the District refuses to amend the education records of a student, the District
7 shall, on request, provide an opportunity for a hearing in order to challenge
8 the content of the student's education records to ensure that information in
9 the education records of the student is not inaccurate, misleading, or
10 otherwise in violation of the privacy or other rights of the student. A hearing
11 shall be conducted in accordance with Paragraph C of this section.
12

- 13 1. If, as a result of the hearing, the District decides that the information is
14 inaccurate, misleading, or otherwise in violation of the privacy or other
15 rights of the student, it shall amend the education records of the student
16 accordingly and so inform the parent/guardian of the student or the
17 eligible student in writing.
18
- 19 2. If, as a result of the hearing, the District decides that the information is
20 not inaccurate, misleading, or otherwise in violation of the privacy or
21 other rights of the student, it shall inform the parent/guardian or eligible
22 student of the right to place a statement in the record commenting on the
23 contested information in the record or stating why they disagree with the
24 decision of the District, or both.
25
- 26 3. Any statement placed in the education records of the student under
27 Paragraph B of this section shall:
28 a. be maintained by the District as part of the education records of the
29 student so long as the record or contested portion thereof is
30 maintained by the District; and
31 b. if the education records of the student or the contested portion
32 thereof is disclosed by the District to any party, the explanation
33 shall also be disclosed to that party.
34
35
36

37 C. Conduct of hearing.
38

- 39 1. The hearing shall be held within a reasonable period of time after the
40 District has received the request, and the parent/guardian of the student
41 or the eligible student shall be given notice of the date, place and time
42 reasonably in advance of the hearing.
43
- 44 2. The hearing may be conducted by any individual, including an official of
45 the District who does not have a direct interest in the outcome of the
46 hearing. The school board attorney shall be in attendance to present the
47 school board's position and advise the designated hearing officer on
48 legal and evidentiary matters.
49
- 50 3. The parent/guardian of the student or eligible student shall be afforded a
51 full and fair opportunity for hearing to present evidence relative to the

1 issues raised under Paragraphs A and B of this section and may be
2 assisted or represented by individuals of their choice at their own
3 expense, including an attorney.
4

- 5 4. The District shall make a decision in writing within a reasonable period of
6 time after the conclusion of the hearing. The decision shall be based
7 solely on evidence presented at the hearing and shall include a
8 summary of evidence and reasons for the decision.
9

10 D. Appeal.

11
12 The final decision of the designated hearing officer may be appealed in
13 accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to
14 contested cases.
15

16 **XV. PROBLEMS ACCESSING DATA**

- 17
18 A. The data practices compliance official is the designated employee to whom
19 persons may direct questions or concerns regarding problems in obtaining
20 access to data or other data practices problems.
21
22 B. Data practices compliance official means *Craig Holje, Senior Executive*
23 *Officer*.
24
25 C. Any request by an individual with a disability for reasonable modifications of
26 the District's policies or procedures for purposes of accessing records shall
27 be made to the data practices compliance official.
28

29 **XVI. COMPLAINTS FOR NONCOMPLIANCE**

30
31 A. Where to file complaints.

32
33 Complaints regarding alleged violations of rights accorded parents/guardians
34 and eligible students by 20 U.S.C. §1232g, and the rules promulgated
35 thereunder, shall be submitted in writing to the Family Policy Compliance
36 Office, U.S. Department of Education, 400 Maryland Avenue, S.W.,
37 Washington, D.C. 20202-4605.
38

39 B. Content of complaint.

40
41 A complaint filed pursuant to this section must contain specific allegations of
42 fact giving reasonable cause to believe that a violation of 20 U.S.C. §1232g
43 and the rules promulgated thereunder has occurred.
44

45 **XVII. WAIVER**

46
47 A parent/guardian or eligible student may waive any of their rights provided herein
48 pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and
49 signed by the parent/guardian or eligible student. The District may not require such
50 a waiver.
51

1 **XVIII. ANNUAL NOTIFICATION OF RIGHTS**

2
3 A. Contents of notice.

4
5 The District shall give parents/guardians of students currently in attendance
6 and eligible students currently in attendance annual notice by such means as
7 are reasonably likely to inform the parents/guardians and eligible students of
8 the following:

- 9
10 1. That the parent/guardian or eligible student has a right to inspect and
11 review the student's education records and the procedure for inspecting
12 and reviewing education records;
- 13
14 2. That the parent/guardian or eligible student has a right to seek
15 amendment of the student's education records to ensure that those
16 records are not inaccurate, misleading, or otherwise in violation of the
17 student's privacy or other rights and the procedure for requesting
18 amendment of records;
- 19
20 3. That the parent/guardian or eligible student has a right to consent to
21 disclosures of personally identifiable information contained in the
22 student's education records, except to the extent that federal and state
23 law and the regulations promulgated thereunder authorize disclosure
24 without consent;
- 25
26 4. That the parent/guardian or eligible student has a right to file a complaint
27 with the U.S. Department of Education regarding an alleged failure by
28 the school district to comply with the requirements of 20 U.S.C. §1232g,
29 and the rules promulgated thereunder;
- 30
31 5. The criteria for determining who constitutes a school official and what
32 constitutes a legitimate educational interest for purposes of disclosing
33 education records to other school officials whom the District has
34 determined to have legitimate educational interests; and
- 35
36 6. That the District forwards education records on request to a school in
37 which a student seeks or intends to enroll or is already enrolled as long
38 as the disclosure is for purposes related to the student's enrollment or
39 transfer and that such records may include suspension and expulsion
40 records pursuant to the federal Every Student Succeeds Act and, if
41 applicable, a student's history of violent behavior.

42
43 B. Notification to parents/guardians of students having a primary home language
44 other than English.

45
46 The District shall provide for the need to effectively notify parents/guardians of
47 students identified as having a primary or home language other than English.

48
49 C. Notification to parents or eligible students who are disabled.

1 The District shall provide for the need to effectively notify parents/guardians
2 or eligible students identified as disabled.

3
4 **XIX. DESTRUCTION AND RETENTION OF RECORDS**

5
6 Destruction and retention of records by the District shall be controlled by state and
7 federal law.

8
9 **XX. COPIES OF POLICY**

10
11 This policy will be posted on the District website, and copies of this policy may be
12 obtained by parents/guardians and eligible students at the office of the
13 superintendent.

14
15
16 ***Legal References:***

17 Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
18 Minn. Stat. § 13.32, Subd. 5 (Directory Information)
19 Minn. Stat. § 13.393 (Attorneys)
20 Minn. Stat. Ch. 14 (Administrative Procedures Act)
21 Minn. Stat. § 120A.22 (Compulsory Instruction)
22 Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
23 Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
24 Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
25 Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
26 Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
27 Minn. Stat. Ch. 256L (MinnesotaCare)
28 Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records
29 of Children)
30 Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
31 Minn. Stat. § 363A.42 (Public Records; Accessibility)
32 Minn. Stat. § 480.40 (Personal Information, Dissemination)
33 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
34 Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
35 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of
36 Directory Information)
37 18 U.S.C. § 2331 (Definitions)
38 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
39 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
40 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
41 20 U.S.C. § 7908 (Armed Forces Recruiting Information)
42 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
43 25 U.S.C. § 5304 (Definitions – Tribal Organization)
44 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
45 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
46 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
47 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
48 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
49 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
50 *Gonzaga University v. Doe*, 536 U.S. 273 309 (2002)
51 Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

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Cross-References:

- Board Policy 110: Chemical Use/Abuse
- Board Policy 409: Mandated Reporting of Child Neglect or Physical or Sexual Abuse
- Board Policy 541: Student Behavior and Administrative Guideline 541.1
- Board Policy 585: Student Surveys
- Board Policy 716: Public Data and Data Subject Requests
- Board Policy 783: Video Surveillance
- Board Policy 977: Cooperation with Law Enforcement Agencies

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