



# Student & School Data Privacy

**Federal Law + Minnesota Law for a Public Charter School**

St. Croix Preparatory Academy | Board Education | September 22, 2026



# Why This Matters to a Charter School Board

Privacy is both a **legal duty** and a **governance responsibility**. Records can reveal academics, disability status, health, discipline, family circumstances, identity, behavior, and online activity.

## Protect Students

Families trust SCPA to collect only what it needs, restrict access, vet vendors carefully, and respond appropriately to any incident.

## Protect Trust

The school's relationship with families depends on responsible handling of sensitive personal information.

## Protect the Institution

Improper access or disclosure can trigger complaints, breach duties, litigation, and loss of public confidence.



**Board lens:** Policy • Oversight • Contracts • Meeting Conduct • Accountability

# The Legal Framework

Several laws overlap. The more protective rule may control any given situation.



## FERPA — Federal

Family Educational Rights and Privacy Act. Governs parent and eligible-student rights, consent requirements, exceptions, record access, and annual notice. *20 U.S.C. § 1232g; 34 C.F.R. Part 99*



## Minnesota — State

Minn. Stat. Ch. 13 (MGDPA), especially § 13.32. Classifies educational data, limits access and use, and regulates technology providers and school-issued devices.



## Other Federal Rules

**PPRA** — 20 U.S.C. § 1232h: Surveys, parental rights.

**COPPA** — 15 U.S.C. §§ 6501–6506: Children's online data collection and consent.

## CHAPTER 01

# Why Chapter 13 Applies to SCPA

Minnesota charter schools are public schools. The charter statute expressly requires Chapter 13 compliance — and charter-board training must include data practices law.

📄 *Minn. Stat. § 124E.03, subd. 5; § 124E.07, subd. 7*



# Minnesota's Starting Point: Educational Data Are Private

The default is **not** "share unless prohibited." It is "**protect unless disclosure is authorized.**"

## Educational Data Defined

Data on individuals maintained by a public educational agency — or someone acting for it — that relates to a student. This includes current and former students, applicants, and certain shared-time students.

## What's Covered

- Student health and school-nurse records
- Emergency and family contact information
- Academic, disciplinary, and behavioral records
- Except properly designated directory information and statutory exceptions, educational data are **private data on individuals**

*Minn. Stat. § 13.32, subds. 1–3.*

# FERPA: The Core Federal Rights

FERPA conditions federal education funding on protecting education records and parent/student rights.

1

## 1 — Inspect & Review

Parents may inspect and review education records. Access must be provided within **45 days** of a request.

2

## 2 — Seek Amendment

Parents or eligible students may seek amendment of records believed to be inaccurate or misleading, with hearing rights available.

3

## 3 — Control Disclosure

Prior written consent is generally required before disclosure of personally identifiable information, unless a FERPA exception applies.

❏ **Rights generally transfer to the student at age 18** or upon attendance at a postsecondary institution. *20 U.S.C. § 1232g; 34 C.F.R. §§ 99.7, 99.10, 99.20–.22, 99.30–.31.*



# Who May See Student Records Inside the School?

A title alone does not create unlimited access.

## FERPA "School Official"

Can include board members, administrators, teachers, counselors, attorneys, IT staff, and contractors meeting the school's criteria.

## Legitimate Educational Interest

The school must use reasonable methods to ensure officials access only records in which they have a legitimate educational interest.

- ❑ **Board Takeaway:** Being a board member does not mean "need to know everything." Access must be tied to a legitimate governance purpose and handled through established procedures.

# When Can Records Be Disclosed Without Consent?

Common exceptions exist — but each has specific legal conditions that must be met.

## **1 School Officials**

Officials with a legitimate educational interest in the records.

## **2 School Transfer**

Transfer to another school in which the student seeks or intends to enroll, subject to applicable requirements.

## **3 Audit, Evaluation & Studies**

Specified purposes when all statutory legal conditions are met.

## **4 Legal Order or Emergency**

A valid subpoena or court order (with notice rules), or an actual health/safety emergency when disclosure is necessary to protect the student or others.

*34 C.F.R. §§ 99.31–.36; Minn. Stat. § 13.32, subd. 3.*

# Directory Information: Minnesota Is More Restrictive

Minnesota limits what a K–12 school may designate as directory information — going further than federal FERPA.

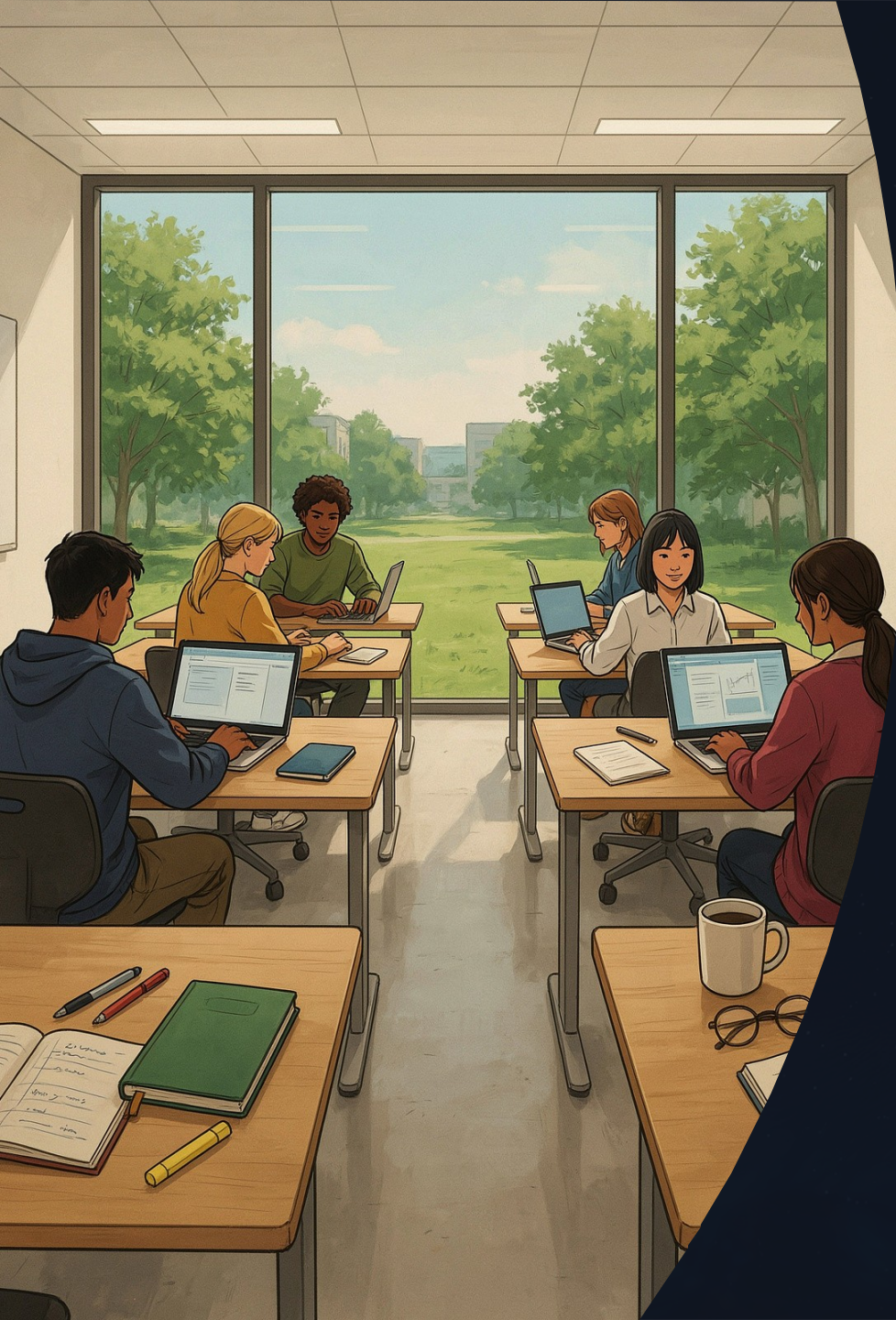
## Federal FERPA Framework

A school may designate categories of information as directory information and disclose them without consent after required notice — unless the parent or eligible student opts out.

## Minnesota Limitation

A K–12 educational agency **may NOT** designate a student's or parent's **home address, telephone number, email address, or other personal contact information** as directory information.

 **Practical Governance Question:** Does SCPA's annual directory-information notice reflect current Minnesota law?  
*Minn. Stat. § 13.32, subd. 5; 34 C.F.R. § 99.37.*



## CHAPTER 02

# Technology Providers & Student Devices

Minnesota law places specific duties on vendors — and on the school's contracts, notices, and device practices.

📄 *Minn. Stat. § 13.32, subds. 13–14.*

# Technology-Provider Contracts: Required Protections

Minnesota law follows the data into the vendor relationship. Contracts must address each of these areas.

## Data Ownership

Educational data created or maintained under the contract are **not** the technology provider's property.

## No Commercial Use

Vendors must not sell, share, or disseminate educational data except as authorized. Data may not be used for advertising, marketing, or other commercial purposes.

## Security & Access Limits

Contracts must require appropriate security safeguards and limit vendor access to authorized personnel whose duties require it.

## End-of-Contract & Breach

Data must be destroyed or returned within **90 days** of contract end. If breached, vendors must provide the school information needed to meet Minnesota breach obligations.

*Minn. Stat. § 13.32, subd. 13(a)–(g); § 13.055.*

# Annual Notice: Curriculum, Testing & Assessment Technology

Minnesota requires **direct notice to parents and students** — not just a general privacy policy — within 30 days of the start of each school year.

## Identify Vendors

Name each curriculum, testing, or assessment technology provider that has access to educational data under a school contract.

## Identify Data

Tell parents and students exactly what educational data are affected by those contracts.

## Enable Inspection

Explain contract-inspection rights and provide a school contact for questions or concerns about data practices.

- ☐ Parents and students must also have an opportunity to inspect a **complete copy** of a technology-provider contract. *Minn. Stat. § 13.32, subd. 13(h)–(i).*

# School-Issued Devices: Monitoring Is Restricted

Minnesota specifically regulates electronic access and monitoring of students on school-issued devices.

## Generally Prohibited

- Location tracking
- Audio/video receiving, transmitting, or recording
- Student keystrokes and web-browsing activity
- Monitoring student interactions without authorization

## Permitted Only In Specified Circumstances

- Limited educational purposes with advance notice
- Judicial warrant
- Missing or stolen device
- Imminent threat to life or safety
- Compliance with federal/state law or certain funding programs



**Emergency device access** can trigger a **72-hour notice requirement** to the student/parent, subject to the statutory safety exception. *Minn. Stat. § 13.32, subd. 14.*

# PPRA: Surveys, Sensitive Topics & Parental Rights

The Protection of Pupil Rights Amendment reaches beyond traditional education records into surveys, evaluations, and certain marketing activities in federally funded programs.

## Eight Protected Survey Areas

- Political beliefs
- Mental/psychological problems
- Sex behavior or attitudes
- Illegal or self-incriminating behavior
- Critical appraisals of close family members
- Privileged relationships
- Religious practices or beliefs
- Income (with limited exceptions)

## LEA Policy & Notice Duties

LEAs must develop specified privacy policies in consultation with parents. Schools must provide notice and opt-out opportunities for certain activities. Parents also have inspection rights for covered surveys and instructional materials.

*20 U.S.C. § 1232h; U.S. Dept. of Education PPRA guidance.*



# COPPA & Ed-Tech Used by Children Under 13

COPPA regulates online services — not schools directly — but school use of apps and websites affects how parental consent works.

❏ A school may sometimes act as the parent's agent and consent to a website or app collecting children's information when the service is used **solely for the school's educational benefit** and not for commercial purposes.

- School authorization does not erase FERPA or Minnesota Chapter 13 obligations
- Vendor review should assess data collection, retention, recipients, and any advertising use
- The FTC finalized COPPA Rule amendments in 2025; existing school guidance continues to apply

*COPPA, 15 U.S.C. §§ 6501–6506; 16 C.F.R. Part 312; FTC COPPA school guidance and 2025 final rule.*



## CHAPTER 03

# Board Meetings & Privacy

Open government does not mean every piece of student information belongs in an open meeting.

📄 *Minn. Stat. § 13D.05*

# When Educational Data Reach the Board Table

Minnesota Open Meeting Law has specific rules for not-public data — and board members must understand the distinction.

## Open Meeting — Minimize

Not-public data may sometimes be discussed openly if reasonably necessary to conduct the public body's business, but the data **retain their private classification** even when the meeting record is public.

## Must Close

A portion of a meeting **must be closed** when discussing educational data that are not public under § 13.32, or certain other protected categories.

## Board Practice

Use student identifiers only when legally necessary. Structure agenda materials carefully. Consult counsel or administration before putting individual student data into packets, slides, or public discussion.

*Minn. Stat. § 13D.05, subds. 1–2.*

# Data Breach & Security Duties

Privacy includes preventing unauthorized access — and responding swiftly and appropriately when a breach occurs.

1

## Safeguards

Minnesota requires procedures and appropriate security safeguards so not-public data are accessible only to those whose work assignment reasonably requires it.

2

## Breach Response

If private or confidential data are acquired by an unauthorized person, affected individuals must be notified **in the most expedient time possible** and without unreasonable delay.

3

## Annual Assessment

Each government entity must conduct **at least one annual comprehensive security assessment** of covered personal information it maintains.

*Minn. Stat. §§ 13.05, subd. 5; 13.055, subds. 2 & 6.*

# A Practical Board Decision Filter

Before asking for, receiving, sharing, or discussing any student-related data, work through these six questions.

01

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**Do we actually need individual-level data for this governance decision?**

02

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**What is the data classification — and what law authorizes access or disclosure?**

03

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**Is there a less identifiable way to answer the question (aggregate, summary, or de-identified)?**

04

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**Who has a legitimate educational or work-related need to receive it?**

05

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**Is this going into a board packet, email, recording, minutes, or open meeting?**

06

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**Is a vendor involved — and does the contract satisfy Minnesota requirements?**

# Recommended Board-Level Compliance Checks for SCPA

A focused governance checklist for the 2026–27 school year. Each item should be confirmed and documented.

## Annual Notices

Confirm FERPA rights notice and directory-information notice reflect current Minnesota restrictions.

## Responsible Authority

Confirm the designated Responsible Authority, data-practices contact, and board escalation path are current and known to all board members.

## Board Systems & Records

Confirm board members use school-managed email and storage for school business, and preserve records subject to retention and disclosure duties.

## Data Classification

Confirm personnel, complaint, and investigation data are classified before inclusion in board packets, email distribution, or public discussion.

## Vendor & Device Compliance

Confirm vendor contracts, annual technology notices, device-monitoring practices, and breach procedures all satisfy Minnesota law.



**Governance goal:** Receive enough information to govern well — without unnecessarily exposing student data.

# Minnesota Charter-Board Training Requirement

Data practices is **required board knowledge** — not optional background. *Minn. Stat. § 124E.07, subd. 7.*



**Complete**

**Certify**

**Retain**

**Apply**

## **Know the Rules**

Recognize when student, personnel, or investigation data may be involved in a board matter.

## **Know the Route**

Use the Responsible Authority or designated staff process for day-to-day data requests — do not handle independently.

## **Document Completion**

Keep evidence that every required board member completed training — retain the date, provider, and completion record.

# Personnel Data, Complaints & Investigations

Sensitivity is not a legal classification. **Classify first** — then determine how to handle and share information appropriately.

## What the Law Requires

- Minn. Stat. § 13.43 includes both **public and private** personnel data
- Complaints and investigations can contain **mixed classifications**
- A closed meeting does not automatically make the underlying data confidential
- Do not equate "sensitive," "embarrassing," or "investigated" with "confidential"

## Board Handling Standard

### Step 1

Classify each item before any disclosure or distribution.

### Step 2

Limit board packets and email to the audience legally entitled to receive the data.

### Step 3

Share only through the school's established process.

# When a Board Member Receives a Data Request

Route the request through the school's established process — do not independently decide or release records.



**Preserve**

**Route**

**Classify**

**Respond**

## **Use School Systems**

Use school-managed email and storage for school business whenever possible.

## **Do Not Self-Release**

Do not send student, personnel, complaint, or investigation records directly to requesters.

## **Public Inspection Is Free**

If access is denied, SCPA identifies the legal authority. *Minn. Stat. § 13.03.*

# Staff Reporting & Whistleblower Protection

Protected reporting and protected data can exist at the same time — both obligations must be honored.

## Protect the Report

### Minn. Stat. § 181.932

- No retaliation or discrimination for specified protected conduct
- Qualifying good-faith reports can include actual, suspected, or planned violations of law
- Reporter identity may be private data in specified circumstances for qualifying reports to government or law enforcement

## Protect the Data

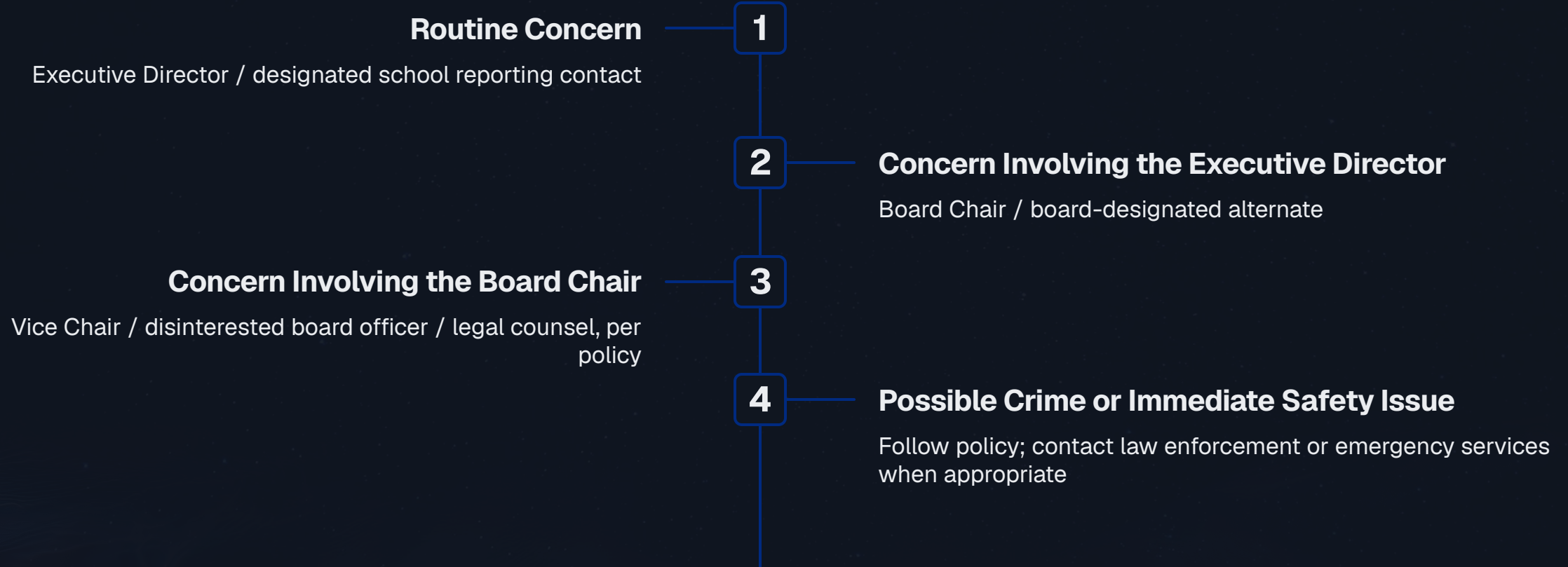
### Privacy Duties Still Apply

- Protected reporting does not authorize disclosure of student, personnel, or other protected data
- Protect reporter identity when the law requires it
- Do not promise absolute anonymity in every internal matter

 **Board Response:** Preserve • Protect • Route • Classify • Impartially Review

# SCPA Reporting Path & Board Checkpoint

Every board member should know where a report goes — especially when school leadership is involved in the concern.



 **Board Checkpoint:** Preserve records • Prevent retaliation • Limit disclosure • Classify before sharing • Seek guidance when uncertain

# Key Statutory & Regulatory References

Primary sources for board and administration follow-up. Always use the current Revisor and federal regulatory text when applying these rules to a specific situation.

## Minnesota

- **§ 124E.03, subd. 5** — Charter school Chapter 13 / data requirements
- **§ 124E.07, subd. 7** — Charter-school board training, including data practices law
- **§ 13.03** — Access to government data / public requests
- **§ 13.32** — Educational data, technology providers & school-issued devices
- **§ 13.43** — Personnel data
- **§ 13.055** — Security breaches
- **§ 13D.05** — Not-public data and closed meetings
- **§ 181.932** — Whistleblower protections / staff reporting

## Federal

- **FERPA** — 20 U.S.C. § 1232g; 34 C.F.R. Part 99
- **PPRA** — 20 U.S.C. § 1232h; 34 C.F.R. Part 98
- **COPPA** — 15 U.S.C. §§ 6501–6506; 16 C.F.R. Part 312



Use the current Revisor of Statutes and official federal regulatory text when applying these rules to a specific situation. This overview is not legal advice.



# Questions & Discussion

Privacy is strongest when the school collects less, limits access, uses data only for authorized purposes, and builds transparency into its practices.

St. Croix Preparatory Academy • Board Education • September 2026

PUBLIC-FACING OVERVIEW — NOT LEGAL ADVICE