

**NOVA CLASSICAL ACADEMY**  
**MANUAL OF POLICIES APPROVED BY THE BOARD OF DIRECTORS**

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**Policy 515:**

**PROTECTION AND PRIVACY OF PUPIL STUDENT RECORDS**

**I. PURPOSE**

Nova Classical 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 adopted by Nova Classical, pursuant to the requirements of 20 United States Code section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and Minnesota Rules parts 1205.0100-1205.2000.

**III. DEFINITIONS**

- A. **Authorized representative** means any entity or individual designated by Nova Classical, the 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**, as referred to in Personally Identifiable, means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).
- C. **Dates 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 Nova Classical, 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 Nova Classical.
- D. **Directory information**
  - a. **Under federal law, directory information** means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name, address,

telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s)/guardian(s). Directory information does not include:

1. a student's social security number;
2. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data that references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

***[Note: Under the federal Family Educational Rights and Privacy Act (FERPA), the federal definition of 'directory information' identifies the types of information that may be specifically referenced as directory information. The federal definition applies to information requests by military recruiting officers as set out in Article XI below.]***

- b. Under Minnesota law, Nova Classical may not designate a student's home address, telephone number, email address, or other personal contact information as 'directory information'.

***[Note: Minnesota law prohibits schools from designating contact information as 'directory information' despite the FERPA designation. Minnesota schools should comply with Minnesota law and should not include student contact information in their definition of 'directory information'.]***

- E. What constitutes education records. **Education records** means those records that: (1) are directly related to a student and (2) are maintained by Nova Classical or by a party acting for Nova Classical.

What does not constitute an education record. The term, **education records**, does not include:

1. Records of instructional personnel that **are**:
  - (1) **are kept** in the sole possession of the maker of the record;
  - (2) **used only as a personal memory aid;**
  - (3) **are** not accessible or revealed to any other individual except a substitute teacher; and
  - (4) **are** destroyed at the end of the school year.
2. Records of a law enforcement unit of Nova Classical, provided education records maintained by Nova Classical are not disclosed to the unit and the law enforcement records are:
  - (1) maintained separately from education records;
  - (2) maintained solely for law enforcement purposes; and
  - (3) disclosed only to law enforcement officials of the same jurisdiction.
3. Records relating to an individual, including a student, who is employed by Nova Classical that:
  - (1) are made and maintained in the normal course of business;
  - (2) relate exclusively to the individual in that individual's capacity as an employee; and
  - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at Nova Classical who is employed as a result of their status as a student.

4. Records relating to an eligible student or a student attending an institution of post-secondary education that are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and

- (3) disclosed only to individuals providing the treatment, provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within Nova Classical.
5. Records that only contain information about an individual after they are no longer a student at Nova Classical and that are not directly related to the individual's attendance as a student.

6. Grades on peer-related papers before the papers are collected and recorded by a teacher.

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

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

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

H. **Juvenile justice system** includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

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

1. Perform an administrative task required in the school or employee's contract or position description approved by the Board;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

- J. **Parent** means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. Nova Classical may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument that provides to the contrary.
- K. **Personally identifiable** means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent/guardian or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other direct identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who Nova Classical reasonably believes knows the identity of the student to whom the education record relates.
- L. **Record** means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- M. **Responsible authority** means **Nadia Hussain Estella Mangan** in the Lower School and **Barb Heitzig Kaitlin Ruppert** in the Upper School.
- N. **Student** includes any individual who is or has been in attendance, enrolled, or registered at Nova Classical and regarding whom Nova Classical maintains education records. Student also includes applicants for enrollment or registration at Nova Classical and individuals who receive shared time educational services from Nova Classical.
- O. **School official** includes: (a) a person duly elected to the Board; (b) a person employed by the Board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the Board as a temporary substitute in a professional position for the period of their performance as a substitute; and (d) a person employed by, or under contract to, the Board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of their performance as an employee or contractor.
- P. **Summary data** means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.
- Q. All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### **IV. GENERAL CLASSIFICATION**

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

#### **V. STATEMENT OF RIGHTS**

##### **A. Rights of Parents/Guardians and Eligible Students**

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Nova Classical to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

##### **B. Eligible Students**

All rights and protections given parents/guardians under this policy transfer to the student when they reach eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents/guardians of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents/guardians of an eligible student may be given access to education records in connection with a health or

safety emergency if the disclosure meets the conditions of any provision set forth in Code of Federal Regulations section 99.31(a).

C. Disabled Students

Nova Classical shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. Nova Classical shall obtain a signed and dated written informed consent of the parent/guardian of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent/guardian of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - 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, Nova Classical shall provide him or her with a copy of the records disclosed; and
  - b. if the parent/guardian of a student who is not an eligible student so requests, Nova Classical 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 that 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. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date that should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes chapter 256B or Minnesota Care under Minnesota Statutes chapter 256L, that shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

Nova Classical may disclose personally identifiable information from the education records of a student without the written consent of the parent/guardian of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within Nova Classical whom Nova Classical determines have a legitimate educational interest in such records;



2. To a contractor, consultant, volunteer, or other party to whom Nova Classical has outsourced institutional services or functions, provided that the outside party:
  - a. performs an institutional service or function for which Nova Classical would otherwise use employees;
  - b. is under the direct control of Nova Classical with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent/guardian or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, Nova Classical will provide the parent/guardian or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or their representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

**Financial aid** for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible

property to the individual that is conditioned on the individual's attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to Nova Classical that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent/guardian of the student. At a minimum, Nova Classical shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents'/guardians' names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that the studies are conducted in a manner that does not permit the personal identification of parents/guardians or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and Nova Classical enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents/guardians and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of Nova Classical to whom information is disclosed violates this provision, Nova Classical may not allow that third party access to personally identifiable information from education records for at least five (5) years;
8. To accrediting organizations in order to carry out their accrediting functions;

9. To parents/guardians of a student eighteen (18) years of age or older if the student is a dependent of the parents/guardians for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that Nova Classical makes a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance therewith so that the parent/guardian or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with 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 as defined in 18 United States Code section 2331. If the school district initiates legal action against a parent/guardian or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for Nova Classical to proceed with the legal action as plaintiff. Also, if a parent/guardian or eligible student initiates a legal action against Nova Classical, Nova Classical may disclose to the court, without a court order or subpoena, the student's education records that are relevant for Nova Classical to defend itself;
11. To appropriate parties, including parents/guardians of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, Nova Classical may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within Nova Classical and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

13. Information Nova Classical has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent/guardian of a student who is not an eligible student or to the student themself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations that the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent/guardian of the student:
  - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’/guardians’ names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student’s parent or guardian by certified mail of the request to disclose information. If the student’s parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student’s file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify Nova Classical employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
  
20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minnesota Statutes section 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher,

- counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or
21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents/guardians by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
  22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.
  23. When requested, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (11), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for the coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023, and 125A.027.

#### C. Nonpublic School Students

Nova Classical may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent/guardian of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations that the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## VII. RELEASE OF DIRECTORY INFORMATION

### A. Classification Educational Data

Directory information is public except as provided herein.

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
  - a. Minnesota Statutes, section 13.32, subdivision 5; and
  - b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012
2. Nova Classical may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.

### B. Former Students

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

### C. Present Students and Parents/Guardians

Nova Classical may disclose directory information from the education records of a student and information regarding parents/guardians without prior written consent of the parent/guardian of the student or eligible student, except as provided herein. ~~Prior to such disclosure Nova Classical shall:~~

1. When conducting the directory information designation and notice process required by federal law, Nova Classical shall give parents/guardians and students

notice of the right to refuse to let Nova Classical designate specified data about the student as directory information.

2. **Annually** Nova Classical shall give annual **give public** notice by any means that are reasonably likely to inform the parents/guardians and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that Nova Classical has designated as directory information;
  - b. the parent's/guardian's or eligible student's right to refuse to let Nova Classical designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent/guardian or eligible student has to notify Nova Classical in writing that they do not want any or all of those types of information about the student and/or the parent/guardian designated as directory information.
3. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform Nova Classical in writing that any or all of the information so designated should not be disclosed without the parent's/guardian's or eligible student's prior written consent, except as provided in Section VI. of this policy.
4. A parent/guardian or eligible student may not opt out of the directory information disclosures to:
  - a. prevent Nova Classical from disclosing or requiring the student to disclose the student's name, ID, or Nova Classical e-mail address in a class in which the student is enrolled; or
  - b. prevent Nova Classical from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by Nova Classical as directory information.
5. Nova Classical shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

1. Name of the student and/or parent/guardian, as appropriate;



2. Home address;
3. School presently attended by student;
4. Parent's/guardian's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's/guardian's or eligible student's prior written consent, that shall only be applicable for that school year.

E. Duration

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

## **VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

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

B. Private Records Not Accessible to Parent/Guardian

In certain cases state law intends, and clearly provides, that certain information contained in the education records of Nova Classical pertaining to a student be accessible to the student alone, and to the parent/guardian only under special circumstances, if at all.

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

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

#### C. Private Records Not Accessible to Student

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

#### D. Military-Connected Youth Identifier

When Nova Classical updates its enrollment forms in the ordinary course of business, Nova Classical must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a **military-connected youth** means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

### IX. DISCLOSURE OF CONFIDENTIAL RECORDS

#### A. Confidential Records

Confidential records are those records and data contained therein that are made not public by state or federal law and that are inaccessible to the student and the student's parents/guardians or to an eligible student.

#### B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes ~~section 626.556~~, **chapter 260E**, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent/guardian

or the subject individual by Nova Classical. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes, chapter 260E as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

### C. Investigative Data

Data collected by Nova Classical as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or that are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data in the case of data not on individuals and confidential data in the case of data on individuals.

1. Nova Classical may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if Nova Classical determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement they provided to **the school district Nova Classical**.
3. Parents/guardians or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other Nova Classical students Nova Classical employees, and/or attorney data as defined in Minnesota Statutes, section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by Nova Classical, or by the chief attorney Nova Classical, not to pursue the civil legal action. However, such investigation may subsequently become active if Nova Classical or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or

- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A **pending civil legal action** for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

To the extent Nova Classical maintains records of the identity, diagnosis, prognosis, or treatment of any student that are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

## **X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent or guardian or representative shall be given access to all Nova Classical records pertaining to the student, including any tests or reports upon which the action proposed by Nova Classical may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, section 121A.40, *et seq.*

## **XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

- A. Nova Classical will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent/guardian or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; **and**
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; **and**
  3. **copying fees shall not be imposed.**
- C. A parent/guardian or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a

parent/guardian or eligible student must notify the responsible authority or Upper School principal in writing by September 30th each year. The written request must include the following information:

1. Name of student and parent/guardian, as appropriate;
2. Home address;
3. Student's grade level;
4. School presently attended by student;
5. Parent's/guardian's legal relationship to student, if applicable;
6. Specific category or categories of information that are not to be released to military recruiting officers and post-secondary educational institutions; and
7. Specific category or categories of information that are not to be released to the public, including military recruiting officers and post-secondary educational institutions.

D. Annually, Nova Classical will provide public notice by any means that are reasonably likely to inform the parents/guardians and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

E. A parent/guardian or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect Nova Classical's release of directory information to the rest of the public, including military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent Nova Classical has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent/guardian or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, Nova Classical may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent/guardian of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information

under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redislosure Not Prohibited

1. Subdivision A. of this section does not prevent Nova Classical from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of Nova Classical provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. Nova Classical has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent/guardian or student or to parents/guardians of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, Nova Classical must provide the notification required in Section XII.D. of this policy if a redislosure is made based upon a court order or lawfully issued subpoena.

***[Note: 42 United States Code, section 14071 was repealed. School districts should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]***

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of Nova Classical.

D. Notification

Nova Classical shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent/guardian or student, or disclosures to parents/guardians of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations, section 99.31(a)(3), an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of Nova Classical improperly redisclodes personally identifiable information from education records or fails to provide notification required under this section of this policy, Nova Classical may not allow that third party access to personally identifiable information from education records for at least five (5) years.

### **XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

#### **A. Responsible Authority**

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

#### **B. Record Security**

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

#### **C. Plan for Securing Student Records**

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

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

#### **D. Review of Written Plan for Securing Student Records**

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of Nova Classical. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C.

#### **E. Record Keeping**

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student that indicates:
  - 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.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event Nova Classical discloses personally identifiable information from an education record of a student pursuant to Section XII.B. 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 Nova Classical;
  - b. the legitimate interests under Section VI. of this policy that 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.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom Nova Classical disclosed information from an education record. Nova Classical 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. Section XIII.E.1. 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.B.1. of this policy, 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.

***[Note: While Section XIII.E.1. does not apply to requests for or disclosures of directory information under Section VII. of this policy, to the extent the school district chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]***

4. The record of requests of disclosures may be inspected by:
  - a. the parent/guardian of the student or the eligible student;



- b. the school official or their assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of Nova Classical.
5. Nova Classical shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
- a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom Nova Classical disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as Nova Classical maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

A. Parent/Guardian of a Student, an Eligible Student or the Parent/Guardian of an Eligible Student Who is Also a Dependent Student

Nova Classical shall permit the parent/guardian of a student, an eligible student, or the parent/guardian of an eligible student who is also a dependent student who is or has been in attendance in Nova Classical to inspect or review the education records of the student, except those records that are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

Nova Classical shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

- 1. a response from Nova Classical to reasonable requests for explanations and interpretations of records;
- 2. if circumstances effectively prevent the parent/guardian or eligible student from exercising the right to inspect and review the education records, Nova Classical shall provide the parent/guardian or eligible student with a copy of the records

requested or make other arrangements for the parent/guardian or eligible student to inspect and review the requested records; and

3. nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents/guardians or eligible students shall submit to Nova Classical a written request to inspect education records that identify as precisely as possible the record or records they wish to inspect.

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. Nova Classical shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, Nova Classical shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;

- c. any schedule of standard copying charges established by Nova Classical in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine-based record-keeping 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 or, in the case of a student with a disability, impair the parent/guardian or eligible student from exercising their right to inspect or review the student's education records.

## **XV. 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 rights of the student may request that Nova Classical amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes Nova Classical to make. The request shall be signed and dated by the requestor.
2. Nova Classical shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If Nova Classical decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent/guardian of the student or the eligible student of the refusal and advise the parent/guardian or eligible student of the right to a hearing under Subdivision B. of this section.

### **B. Right to a Hearing**

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

1. If, as a result of the hearing, Nova Classical decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent/guardian of the student or the eligible student in writing.
2. If, as a result of the hearing, Nova Classical decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent/guardian or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the decision of Nova Classical, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by Nova Classical as part of the education records of the student so long as the record or contested portion thereof is maintained by Nova Classical; and
  - b. if the education records of the student or the contested portion thereof is disclosed by Nova Classical to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after Nova Classical has received the request, and the parent/guardian of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of Nova Classical who does not have a direct interest in the outcome of the hearing. The Board's attorney shall be in attendance to present the Board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent/guardian of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
4. Nova Classical shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence

presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

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

## **XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means **Nadia Hussain** (**nhussain@novaclassical.org**) **Estella Mangan** (**emangan@novaclassical.org**) in the Lower School and **Barb Heitzig** (**bheitzig@novaclassical.org**) **Kaitlin Ruppert** (**kruppert@novaclassical.org**) in the Upper School.
- C. Any request by an individual with a disability for reasonable modifications of Nova Classical's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

## **XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents/guardians and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. WAIVER**

A parent/guardian or eligible student may waive any of their rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent/guardian or eligible student. Nova Classical may not require such a waiver.

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

Nova Classical shall give parents/guardians of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents/guardians and eligible students of the following:

1. That the parent/guardian or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent/guardian or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent/guardian or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent/guardian or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by Nova Classical to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom Nova Classical has determined to have legitimate educational interests; and
6. That Nova Classical forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents/Guardians of Students Having a Primary Home Language Other Than English

Nova Classical shall provide for the need to effectively notify parents/guardians of students identified as having a primary or home language other than English.

C. Notification to Parents/Guardians or Eligible Students Who are Disabled

Nova Classical shall provide for the need to effectively notify parents/guardians or eligible students identified as disabled.

## **XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by Nova Classical shall be controlled by state and federal law.

## XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents/guardians and eligible students at Nova Classical **Academy**.

### **Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

**Minn. Stat. § 13.32, Subd. 5 (Directory Information)**

Minn. Stat. § 13.393 (Attorneys)

Minn. Stat. Ch. 14 (Administrative Procedures Act)

Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)

Minn. Stat. § 121A.75 (Receipt of Records; Sharing)

Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)

Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)

Minn. Stat. Ch. 256L (MinnesotaCare)

Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)

Minn. Stat. Ch. 260E (Reporting Maltreatment of Minors)

Minn. Stat. § 363A.42 (Public Records; Accessibility)

**Minn. Stat. § 480.40 (Personal Information, Dissemination)**

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)

10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)

18 U.S.C. § 2331 (Definitions)

18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)

20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)

20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)

20 U.S.C. § 7908 (Armed Forces Recruiting Information)

20 U.S.C. § 7917 (Transfer of School Disciplinary Records)

25 U.S.C. § 5304 (Definitions – Tribal Organization)

26 U.S.C. §§ 151 and 152 (Internal Revenue Code)

42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)

42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)

34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

34 C.F.R. § 300.610-300.627 (Confidentiality of Information)

42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)

*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

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### **Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)

MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
**MSBA/MASA Model Policy 722 (Public Data Requests)**  
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)  
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

*MSBA/MASA Model Policy 515 Orig. 1995*  
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