

## Students

### Protection and Privacy of Student Records

#### I. Purpose

The school district recognizes its responsibility in regard to the collection, maintenance and dissemination of student records and the protection of the privacy rights of students as provided in federal and state law.

#### II. General Statement of Policy

The school district will ensure all student data is protected and private pursuant to federal law and state statute. Data which is deemed by law as public will be accessible pursuant to the procedures established by the district.

~~The school district will ensure all student data collected, created, received, maintained, or disseminated by the district, which is classified by statute or federal law as public, is accessible to the public pursuant to the procedures established by the district. All other data on students is private or confidential.~~

#### III. Definitions

For purposes of this policy, the definitions included in this section apply.

##### A. Authorized Representative

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

##### B. Biometric Record

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

##### C. Dates of Attendance

“Date of attendance,” as referred to in ~~D~~directory ~~i~~nformation, means the

period of time during which a student attends or attended a school or schools in the school district. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

#### D. Dependent Student

A "dependent student" is an individual who, during each of **five (5)** calendar months during the calendar year in which the taxable year of the parent begins, is a full-time student at an educational institution.

#### E. Directory Information

"Directory information," **under state and federal law**, means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, ~~address, telephone listing, district-provided 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/~~guardian(s)~~. **Minnesota law imposes additional restrictions, beyond federal law, upon the types of information that may be designated as directory information.**

Directory information does not include: ~~personally identifiable data which references religion, race, color, social position, or nationality. Data collected from nonpublic school students, other than those who receive shared time educational services, will not be designated as directory information unless written consent is given by the student's parent or guardian.~~

- a. **a student's social security number;**
- b. **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;**
- c. **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;**
- d. **personally identifiable data which references religion, race, color, social position, or nationality; or**

- e. data collected from non-public school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

## F. Education Records

1. "Education records" means those records which: (1) are directly related to a student; and (2) are maintained by the ~~school~~-district or by a party acting for the ~~school~~-district.
2. The term "education records" does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are applicable to be destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the ~~school~~-district, provided educational records maintained by the ~~school~~-district are not disclosed to the unit, and the law enforcement records are:
    - (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.
  - c. Records relating to an individual, including a student, who is employed by the ~~school~~-district which:
    - (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 will not apply to records relating to an individual in attendance at the ~~school~~-district who is employed as a result of his or her ~~his or her~~ **their** status as a student.
  - d. Records relating to an eligible student, or a student attending an institution of ~~post-secondary~~ **postsecondary** education, which are:
    - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her ~~his or her~~ **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 the ~~school~~-district.

e. Records that only contain information about an individual after ~~he or she~~ **is they are** no longer a student at the ~~school~~-district.

#### G. Eligible Student

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

#### H. Juvenile Justice System

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

#### I. Legitimate Educational Interest

"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 school board;
2. Perform a supervisory or instructional task directly related to the student's education; or
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.
4. Perform a task directly related to responding to a request for data.

#### J. Parent

"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. The ~~school~~-district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation, or child custody, or a legally binding instrument which provides to the contrary.

#### K. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or **biometric record**; (e) a list of personal characteristics that would make the student’s identity easily traceable; or (f) other information that would make the student’s identity easily traceable.

**L. Record**

“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**

“Responsible authority” means superintendent or designee.

**N. Student**

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

**O. School Official**

“School official” includes: (a) a person duly elected to the ~~school~~-board; (b) a person employed by the ~~school~~-board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the ~~school~~-board as a temporary substitute in a professional position for the period of ~~his or her~~ **their** performance as a substitute; and (d) a person employed by, or under contract to, the ~~school~~-board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney, or an auditor for the period of ~~his or her~~ **their** performance as an employee or contractor.

**P. Summary Data**

“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. Other Terms and Phrases**

All other terms and phrases will 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 which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of ~~20 U.S.C. §1232g~~ [the Family Educational Rights and Privacy Act \(FERPA\)](#) and the regulations promulgated thereunder.

#### V. Statement of Rights

##### A. Rights of Parents and Eligible Students

Parents 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 secondary students' names, addresses, and home telephone numbers to military recruiting officers;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district 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 the "Copies of Policy" section of this policy.

##### B. Eligible Students

All rights and protections given parents under this policy transfer to the student when ~~he or she~~ [they](#) reaches [eighteen \(18\)](#) years of age or enrolls in an institution of postsecondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent

student” are entitled to gain access to the educational records of such student without first obtaining the consent of the student.

### C. Students with a Disability

The school district ~~shall~~ will follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information related to students with a disability.

## VI. Disclosure of Educational Records

### A. Consent Required for Disclosure

1. The school district will obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein. Written consent will include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made; and
  - d. if appropriate, a termination date for the consent.
- ~~2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and will include:~~
  - ~~a. a specification of the records to be disclosed;~~
  - ~~b. the purpose or purposes of the disclosure;~~
  - ~~c. the party or class of parties to whom the disclosure may be made; and~~
  - ~~d. if appropriate, a termination date for the consent.~~
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the ~~school~~ district will provide ~~him or her~~ them with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the ~~school~~ district will 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 will not be deemed to have been given unless the statement is:

- a. in plain language;
- b. dated;
- c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- d. specific as to the nature of the information the subject is authorizing to be disclosed;
- e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or non-cancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under ~~Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L~~ [state law](#), which will 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~~ [postsecondary](#) education, the rights accorded to and the consent required of the parent of the student will thereafter only be accorded to and required of the eligible student, except as provided in the "Statement of Rights" section of this policy.

### B. Prior Consent for Disclosure Not Required

The ~~school~~-district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the ~~school~~-district whom the ~~school~~-district determines have a legitimate educational interest in such records;
2. [To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:](#)
  - a. [performs an institutional service or function for which the school district would otherwise use employees;](#)



- b. is under the direct control of the school district 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 or eligible student and uses the information only for the purposes for which the disclosure was made;
3. To officials of other schools or school districts in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for the purposes related to the student's enrollment or transfer. The records will 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 4155 of the federal No Child Left Behind Act~~ [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; ~~except the r~~Records regarding disciplinary action, suspension or expulsion, or a student's history of violent behavior will not be disclosed to institutions of postsecondary education where the student seeks to or intends to enroll, unless required by law. The records also will include a copy of any probable cause notice or any disposition or [state court order under Minn. Stat. § 260B.171](#), unless the data are required to be destroyed under ~~Minn. Stat. § 120A.22, Subd. 7(e) or § 121A.75~~ [state law](#). On request, the ~~school~~ district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with the "Request to Amend Records; Procedures to Challenge Data" section 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 ~~his or her~~ [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 the ~~school~~-district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the ~~school~~-district will disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the ~~school~~-district to whom information is disclosed violates this provision, the ~~school~~ district may not allow that third party access to personally identifiable information from education records for at least five (5) years.
  8. To accrediting organizations in order to carry out their accrediting functions;
  9. To parents of a dependent student;
  10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the ~~school~~-district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent 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 a parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the order is issued in the context of the proceeding. In addition, if the ~~school~~-district initiates legal action against

a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the ~~school~~-district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the ~~school~~-district, the ~~school~~-district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the ~~school~~-district to defend itself.

11. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health, **including 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 addition, an educational agency or institution may include in the educational records of a student, appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the ~~school~~-district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student. **A record of this disclosure ~~must~~ will be maintained;**
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 the ~~school~~-district has designated as "directory information" pursuant to the "Release of Directory Information" section of this policy;
14. To military recruiting officers pursuant to the "Military Recruitment" section of this policy;
15. To the parent of a student who is not an eligible student or to the student ~~himself or herself~~ **themselves**;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
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~~ **district** for students or former students; or
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 of the student:

- a. the following information about a student ~~must~~ will 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' 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 educational 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~~ administrator of a school who receives such a request ~~must~~ will, 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~~ will not disclose the information and instead ~~must~~ will 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~~ will 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~~ will 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 Minn. Stat. § 260B.171, ~~S~~subd. 3. The principal ~~must~~ will notify the counselor immediately and ~~must~~ will place the disposition order in the student's permanent education record. The principal also ~~must~~ will 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 other ~~school~~ 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~~ will identify the student, outline the offense, and describe any conditions of probation about which the school ~~must~~ will 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 Minn. Stat. § 260B.171, Subd. 5. The principal ~~must~~ will place the information in the student's educational record. The principal will 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~~ will 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~~ will delete the peace officer's record from the student's educational 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.

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 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; or

22. To an agency caseworker or other representative of a ~~S~~state or local child welfare agency, or tribal organization (as defined in ~~section 450b of Title 25~~ [25 United States Code section 5304](#)), who has the right to access a student's case plan, as defined and determined by the ~~S~~state or tribal organization, when such agency or organization is legally responsible, in accordance with ~~S~~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 ~~S~~state or tribal laws applicable to protecting the confidentiality of a student's education records.

#### C. Non-~~P~~ublic School Students

The ~~school~~-district may disclose personally identifiable information from the education records of a non-public school student, other than a student who receives shared time educational services, without the written consent of the parent 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 which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

### 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~~ will be designated pursuant to the provisions of:](#)
  - a. [Minnesota Statutes, section 13.32, subdivision 5; and](#)
  - b. [United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which were in effect on January 3, 2012.](#)

2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.
3. When requested, the ~~school~~-district ~~must~~ will share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purpose

#### B. Former Students

Unless a former student affirmatively opted out of the release of directory information in ~~his or her~~ **their** last year of attendance, the ~~school~~-district 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," the ~~school~~-district may release records that only contain information about an individual obtained after ~~he or she is~~ **they are** no longer a student at the ~~school~~-district.

#### C. ~~Present~~ **Current** Students and Parents

The ~~school~~-district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. ~~Prior to such disclosure the school district will:~~

1. **When conducting the directory information designation and notice process required by federal law, the ~~school~~-district will give parents and students notice of the right to refuse to let the district designate specified data about the student as directory information.**
2. **The ~~school~~ district ~~shall~~ will give public annual** ~~Annually give public~~ notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the ~~school~~ district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the ~~school~~ district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the ~~school~~ district in writing that ~~he or she does~~ **they do** not want any or all of those types of information about the student and/or the parent 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 the ~~school~~-district, in writing, that any or

all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in the "Disclosure of Education Records" section of this policy.

#### D. Procedure for Obtaining Non-Disclosure of Directory Information

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

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

#### E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent 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 which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in the "Disclosure of Education Records" section of this policy, without the prior written consent of the parent or the eligible student.

#### B. Private Records Not Accessible to Parent

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

The responsible authority may deny access to private data by a parent 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 and must be signed by the minor. Upon receipt of such a request the responsible authority will determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority will consider the following factors:

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

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

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

#### D. Military-Connected Youth Identifier

When a ~~school~~ district updates its enrollment forms in the ordinary course of business, the ~~school~~ district ~~must~~ will 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 which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

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

Pursuant to ~~Minn. Stat. § 626.556~~ [state law](#), written copies of reports pertaining

to a neglected and/or physically and/or sexually abused child will be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data will be confidential and will not be made available to the parent or the subject individual by the ~~school~~-district. 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 ~~Minn. Stat. § 626.556, Subd. 11~~ [state law](#).

Regardless of whether a written report is made ~~under Minn. Stat. § 626.556, Subd. 7~~, 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 will 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 the ~~school~~-district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected non-public data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The ~~school~~-district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the ~~school~~ district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement ~~he or she~~ [they](#) provided to the ~~school~~-district.
3. [Parents 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 ~~school~~-district students, ~~school~~-district employees, and/or attorney data as defined in ~~Minnesota Statutes, section 43.393~~ under state law.](#)
34. 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 will be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the ~~school~~-district, or by the chief attorney for the ~~school~~ district, not to pursue the civil legal action. However, such investigation

- may subsequently become active if the ~~school~~ district or its attorney decides to renew the civil legal action;
- b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

45. 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 the ~~school~~ district maintains records of the identity, diagnosis, prognosis, or treatment of any student which 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 will be given access to all ~~school~~ district records pertaining to the student, including any tests or reports upon which the action proposed by the ~~school~~ district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, ~~Minn. Stat. § 121A.40, et seq.~~

#### XI. Disclosure of Data to Military Recruitment Officers

- A. The school district will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to military recruiters 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.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify the responsible authority, the building principal, in

writing, by September 15 of each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiters; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiters.
- D. Annually, the ~~school~~-district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of secondary students without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the ~~school~~-district's release of directory information to the rest of the public, which includes military recruiting officers. In order to make any directory information about a student private, the procedures contained in the "Release of Directory Information" section of this policy also must be followed. Accordingly, to the extent the ~~school~~-district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent 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.

## XII. Limits on Disclosure

### A. Redisclosure

Consistent with the requirements herein, the ~~school~~-district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### B. Redisclosure Not Prohibited

1. Subdivision A of this section does not preclude the ~~school~~-district from disclosing personally identifiable information under the “Disclosure of Education Records” section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the ~~school~~-district provided:
  - a. The disclosures meet the requirements of the “Disclosure of Education Records” section of this policy; and
  - b. The ~~school~~-district has complied with the record-keeping requirements of the “Responsible Authority, Record Security, and Record-Keeping” section 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 or student, ~~or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071.~~ However, the ~~school~~ district ~~must~~ will provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

#### C. Classification of Disclosed Data

The information disclosed will retain the same classification in the hands of the party receiving it as it had in the hands of the ~~school~~-district.

#### D. Notification

Except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the “Release of Directory Information” section of this policy, or disclosures to a parent or student, the ~~school~~-district will inform the party to whom a disclosure is made of the requirements set forth in this section. In the event that the Family Policy Compliance Office determines that a third party improperly re-discloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

### XIII. Responsible Authority, Record Security, and Record-Keeping

#### A. Responsible Authority

The responsible authority ~~will be responsible for~~ is charged with 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 will be the records manager of the school, and will have the duty of maintaining and securing the privacy and/or confidentiality of student records.

#### C. Plan for Securing Student Records

The building principal will submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan will 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 will review the plans submitted pursuant to paragraph C of this section for compliance with the law, this policy, and the various administrative policies of the ~~school~~-district. The responsible authority will then promulgate a chart incorporating the provisions of paragraph C which will be attached to and become a part of this policy.

#### E. Record-Keeping

1. The principal will, 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 which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student; and
  - b. the legitimate interests these parties had in requesting or obtaining the information;
2. In the event the ~~school~~-district discloses personally identifiable information from an education record of a student pursuant to paragraph B of the "Limits on Disclosure" section of this policy, the record of disclosure required under this section will also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the ~~school~~-district; and
  - b. the legitimate interests under the "Disclosure of the Education Records" section of this policy which each of the additional parties has in

requesting or obtaining the information.

3. Paragraph (1) of Record-Keeping does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under paragraph B.1. of the "Disclosure of the Education Records" section of this policy, to requests for disclosures of directory information under the "Release of Directory Information" section 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.
4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school-district.
5. The school district shall will 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 the school district disclosed the information.
6. The record of requests and disclosures will be maintained with the education records of the student as long as the school district maintains the student's education records.

#### XIV. Right to Inspect and Review Education Records

##### A. Parent of a Student, an Eligible Student, or the Parent of an Eligible Student Who Is Also a Dependent Student

The school district will permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in the "Disclosure of Private Records" section of this policy.

##### B. Response to Request for Access

The school-district will respond to any request pursuant to subdivision A of this

section immediately, if possible, or within ten (10) **working** 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. The right to a response from the ~~school~~-district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the ~~school~~ district will provide the parent or eligible student with a copy of the records requested, or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy will be construed as limiting the frequency of inspection of the educational 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 or eligible students will submit to the ~~school~~-district a written request to inspect education records which identify as precisely as possible the record or records ~~he or she~~ **they** wishes 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 or eligible student wishes to inspect these records where they are maintained, the ~~school~~-district will attempt to accommodate those wishes. The parent or eligible student will 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 or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

#### G. Authority to Inspect or Review

The ~~school~~-district may presume that either parent of the student has authority to inspect or review the education records of a student unless the ~~school~~-district 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 which provides to the contrary.

#### H. Fees for Copies of Records

1. The ~~school~~-district ~~will~~ **may** 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, the ~~school~~-district will 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 the ~~school~~ district 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. The cost of providing copies will be borne by the parent or eligible student.
3. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, would impair the parent 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 of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy or other rights of the student may request that the school district amend those records.

1. The request must be in writing, must identify the item the request~~er~~ **er** believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, must state the reason for this belief, and must specify the correction the request~~er~~ **er** wishes the ~~school~~-district to make. The request must be signed and dated by the request~~er~~ **er**.
2. The ~~school~~-district will decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If the district decides to refuse to amend the education records of the student in accordance with the request, it will inform the parent of the student or the eligible student of the refusal and advise the parent or eligible

student of the right to a hearing under subdivision B of this section.

## B. Right to a Hearing

If the district refuses to amend the education records of a student, the district, on request, will 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 will be conducted in accordance with subdivision C of this section.

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

## C. Conduct of Hearing

1. The hearing will be held within a reasonable period of time after the ~~school~~ district has received the request, and the parent of the student or the eligible student will 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 the ~~school~~ district who does not have a direct interest in the outcome of the hearing. The school board attorney will be in attendance to present the ~~school~~ board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student will 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 ~~his or her~~ **their** choice at ~~his or her~~ **their** own expense, including an attorney.

4. The ~~school~~ district will make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision will be based solely on evidence presented at the hearing and will 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 ~~the Minn. Stat. Ch. 14~~ **state law** 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 superintendent or designee.
- C. **Any request by an individual with a disability for reasonable modifications of the ~~school~~ district's policies or procedures for purposes of accessing records shall will be made to the data practices compliance official.**

### XVII. Complaints for Noncompliance

#### A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by **FERPA** ~~20 U.S.C. §1232g~~, and the rules promulgated thereunder, will be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. ~~20202-4605~~ **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 ~~20 U.S.C. §1232g~~ **FERPA** and the rules promulgated thereunder has occurred.

### XVIII. Waiver

A parent or eligible student may waive any of ~~his or her~~ **their** rights provided herein pursuant to ~~20 U.S.C. §1232g~~ **FERPA**. A waiver will not be valid unless in writing and signed by the parent or eligible student. The ~~school~~ district may not require such a waiver.

## XIX. Annual Notification of Rights

### A. Contents of Notice

The school district will give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent 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 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 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 or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the ~~school~~ district to comply with the requirements of ~~20 U.S.C. §1232g~~ 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 the ~~school~~ district has determined to have legitimate educational interests; and
6. That the ~~school~~ district forwards education records on request to a school in which a student seeks or intends to enroll including suspension and expulsion records pursuant to the federal ~~No Child Left Behind Act~~ Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

The ~~school~~ district will provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

### C. Notification to Parents or Eligible Students Who Are Disabled

The ~~school~~ district will provide for the need to effectively notify parents or eligible students identified as disabled.

## XX. Destruction and Retention of Records

Destruction and retention of records by the school district will be controlled by state and federal law.

## XXI. Copies of Policy

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

### 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.75 (~~Sharing Disposition Order and Peace Officer Records~~[Receipt of Records; Sharing](#))  
[Minn. Stat. § 127A.852 \(Military-Connected Youth Identifier\)](#)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 144.341-144.347 (~~Consent of Minors for~~[The Minors Consent to Health Services Act](#))  
[Minn. Stat. § 256B \(Medical Assistance for Needy Persons\)](#)  
[Minn. Stat. § 256L \(MinnesotaCare\)](#)  
Minn. Stat. § 260B.171, ~~Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children~~[\(Records Required to be Kept\)](#)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
[Minn. Stat. § 363A.42 \(Public Records; Accessibility\)](#)  
Minn. Rules Parts 1205.0100-1205.2000 ([Data Practices](#))  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (~~No Child Left Behind~~[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 - [Dependent Defined](#))  
34 C.F.R. §§ 99.1-99.67 ([Family Educational Rights and Privacy](#))  
[42 U.S.C. § 1711 et seq. \(Child Nutrition Act\)](#)  
[42 U.S.C. § 1751 et seq. \(Richard B. Russell National School Lunch Act\)](#)  
*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)  
[Dept. of Admin. Advisory Op. No. 21-008 \(December 8, 2021\)](#)

### Cross References:

Policy 506 (Student [Conduct and Discipline](#))  
Policy 519 (Interviews of Students by Outside Agencies)  
Policy 520 (Student Surveys)  
[Policy 719 \(Records Retention\)](#)

Policy  
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Revised: 07/17/17

INDEPENDENT SCHOOL DISTRICT NO. 273  
Edina, Minnesota

## Appendix I to Policy 515

### PUBLIC NOTICE

Edina Public Schools gives notice to parents of students currently in attendance in the ~~school~~ district, and eligible students currently in attendance in the district, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:
  - a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the ~~school~~ district. A parent or eligible student should submit to the ~~school~~-district a written request to inspect education records which identify as precisely as possible the record or records ~~he or she~~ **they** wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
  - b. That the parent 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. A parent or eligible student may ask the ~~school~~ district to amend a record that they believe is inaccurate or misleading. The request ~~will~~ **must** be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, ~~will~~ **must** state the reason for this belief, and ~~will~~ **must** specify the correction the parent or eligible student wishes the ~~school~~ district to make. The request ~~will~~ **must** be signed by the parent or eligible student. If the ~~school~~-district decides not to amend the record as requested by the parent or eligible student, the ~~school~~ district will notify the parent or eligible student of the decision and advise ~~him or her~~ **them** of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
  - c. That the parent 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 disclosures without consent;
  - d. That the ~~school~~-district may disclose education records to other school officials within the ~~school~~-district if the ~~school~~ district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the ~~school~~-district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the ~~school~~ district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of ~~his or her~~ **their** tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill ~~his or her~~ **their** professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, ~~and~~ student health and welfare, and the ability to respond to a request for educational data;

- e. That the ~~school~~ district forwards education records on request to a school in which a student seeks or intends to enroll, including information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to section ~~4155 of the federal No Child Left Behind Act~~ [7917 of the federal Every Student Succeeds Act](#), and data regarding a student's history of violent behavior and any disposition order which adjudicates the student as delinquent for committing an illegal act on ~~school~~ district property and certain other illegal acts;
- f. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the ~~school~~ district to comply with the requirements of [the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g](#), and the rules promulgated thereunder, ~~†~~. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-4605-8520

2. Copies of the ~~school~~ board policy and accompanying procedures and regulations are available to parents and students upon written request to the superintendent.
3. Pursuant to applicable law, ~~Edina Public Schools~~ [the district](#) gives notice to parents of students currently in attendance in the ~~school~~ district, and eligible students currently in attendance in the ~~school~~ district, of their rights regarding "directory information."

~~"Directory information" includes the following information relating to a student: the student's name; address; telephone number; district provided electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; the most recent educational agency or institution attended by the student; and other similar information. "Directory information" also includes the name, address, and telephone number of the student's parent(s). "Directory information" does not include identifying information on a student's religion, race, color, social position, or nationality.~~

~~"Directory information,"~~ [under state and federal law](#), means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, ~~address, telephone listing, district provided 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/~~guardian~~(s). [Minnesota law imposes additional restrictions, beyond federal law, upon the types of information that may be designated as directory information.](#)

- a. The information listed above will be public information which the ~~school~~ district may disclose from the education records of a student or information regarding a parent.



- b. Should the parent of a student or the student so desire, any or all of the listed information will not be disclosed without the parent's or eligible student's prior written consent except to school officials as provided under federal law.
- c. ~~In order to make any or all of the directory information listed above "private" (i.e., subject to consent prior to disclosure), the parent or eligible student must make a written request to the building principal within thirty (30) days after the date of the last publication of this notice. This written request must include the following information:~~

~~(1) Name of student and parent, as appropriate~~

~~(2) Home address~~

~~(3) School presently attended by student~~

~~(4) Parent's legal relationship to student, if applicable~~

~~(5) Specific category or categories of directory information which is not to be made public without the parent's or eligible student's prior written consent~~

- 4. Pursuant to applicable law, ~~Edina Public Schools~~ **the district** hereby gives notice to parents of secondary students and eligible secondary students of their rights regarding release of information to military recruiting officers. The ~~school~~ district ~~must~~ **will** release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request. Data released to military recruiting officers under this provision 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 cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

- a. Should the parent of a student or the eligible student so desire, any or all of the listed information will not be disclosed to military recruiting officers without prior consent.
- b. In order to refuse the release of this information without prior consent, the parent or eligible student must make a written request to the building principal by September 15 of each year. This written request must include the following information:

(1) Name of student and parent, as appropriate

(2) Home address

(3) Student's grade level

(4) School presently attended by student

(5) Parent's legal relationship to student, if applicable

(6) Specific category or categories of information which are not to be released to military recruiters without prior consent

(7) Specific category or categories of directory information which are not to be released to the public, including military recruiters

INDEPENDENT SCHOOL DISTRICT NO. 273  
EDINA, MINNESOTA

Dated: \_\_\_\_\_  
\_\_\_\_\_ Chair

Appendix II to Policy 515

JUVENILE JUSTICE SYSTEM REQUEST FOR INFORMATION

Family Educational Rights and Privacy Act  
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, ~~S~~subds. 3(i) and 8(b)

DATE/TIME OF REQUEST: \_\_\_\_\_

TO: \_\_\_\_\_  
(Superintendent of school district or chief administrative officer of school)

FROM: \_\_\_\_\_  
(Requester's name/agency)

STUDENT: \_\_\_\_\_

BASIS FOR REQUEST:

\_\_\_\_\_ Juvenile delinquency investigation/prosecution

\_\_\_\_\_ Child protection assessment/investigation

\_\_\_\_\_ Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student):

\_\_\_\_\_  
\_\_\_\_\_

RESPONSE TO REQUEST (The school ~~must~~ will indicate whether it has data on the student that document any activity or behavior marked by the requester):

Information requested (Mark all that apply):

Response provided (Yes/No):

_____	Use of a controlled substance, alcohol, or tobacco	_____
_____	Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, <del>S</del> subd. 8	_____
_____	Possession or use of weapons or look-alike weapons	_____
_____	Theft	_____
_____	Vandalism and damage to property	_____

CERTIFICATION: The undersigned certifies that ~~he or she is~~ they are a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that ~~he or she~~ they understands that, by signing this request, ~~he or she is~~ they are subject to the penalties in Minn. Stat. § 13.09.

Established: ~~1/22/08~~

Revised: ~~9/22/14~~

Form ( / )

\_\_\_\_\_  
Signature/Title

Appendix III to Policy 515

AUTHORIZATION FOR RELEASE OF INFORMATION ON STUDENT

To: Edina Public Schools  
5701 Normandale Road  
Edina, MN 55424

Re: Educational records of \_\_\_\_\_  
(Student's Name)  
\_\_\_\_\_  
(Date of Birth and/or Social Security Number)

This release permits the [school](#) district, pursuant to Minn. Stat. § 13.05, Subd. 4 and Minn. Rules 1205.1400, ~~S~~subp. 4, to release the enumerated educational records and information to the specified party or individual(s).

Specification of records/information to be disclosed and extent of disclosure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exceptions to the above specification:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purpose(s) of disclosure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To whom the records and information should be disclosed:

\_\_\_\_\_  
\_\_\_\_\_

This authorization specifically includes records prepared prior to the date of this authorization and records prepared after the date of this authorization, such records to be used only for the purpose specified. I do not authorize re-release of this information by the third party.

I understand that I may revoke this consent in writing at any time. Upon the fulfillment of the above-stated purpose, this consent will automatically expire without my express revocation. Minnesota law requires automatic expiration of this authorization one year from the date of authorization (Minn. Stat. § 13.05, 2010). A photocopy of this authorization will be treated in the same manner as an original.

Dated: \_\_\_\_\_ (Signature of Authorized ~~Signer~~ Signer)

Established: 6/20/11 Form ( \_\_/\_\_ )