



**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

March 31, 2011

AGENDA ITEM: 10.4

TOPIC: Use of Student Records Policy #505

BACKGROUND: This policy was in need of revision.

PROCESS: The School Board Policy Committee has reviewed this policy. It is now being presented to the School Board for review with the changes noted.

RECOMMENDATION: First reading of this policy.

The following procedures and policies regarding the protection and privacy of parents and students are adopted by Independent School District No. 831, pursuant to the requirements of 20 U.S.C., ~~See~~ § 1232g, et seq., ~~45~~ 34 C.F.R., Part 99; and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. ~~15.1611 et seq.~~ **Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.**

I. DEFINITIONS

A. 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 authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

B. Dates of Attendance

“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 the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools in the school district.

AC. Directory Information

“Directory Information” includes the following information relating to a student: The student’s name, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, videos and photographs of students in school buildings and at school activities, last known addresses and telephone numbers of alumni, year of graduation, and other similar information. Directory information does not include a student’s social security number or a student’s identification number (“ID”). Directory information does not include identifying data which references religion, race, color, social position, nationality, or date of birth.

BD. Education Records

“Education Records” means those records which are directly related to a student and are maintained by the School District.

1. The term does not include:
 - a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

- i. Are in the sole possession of the maker thereof;
 - ii. Are destroyed at the end of the school year; and
 - iii. Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a “substitute” means an individual who performs on a temporary basis the duties of the individual who made the records and does not refer to an individual who permanently succeeds the maker of the record in his or her position.
- b. Records relating to an individual, including a student, who is employed by the School District which:
- i. Are made and maintained in the normal course of business;
 - ii. Relate exclusively to the individual in that individual’s capacity as an employee; and
 - iii. Are not available for use for any other purpose.
- c. Records relating to an eligible student which are:
- i. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, but not employed or compensated by the School District at the time the record is prepared or created;
 - ii. Created, maintained, or used only in connection with the provision of treatment to the student; and
 - iii. Not disclosed to anyone other than 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 which are part of the program of instruction within the School District.
- d. Alumni records which contain only information relating to a person after that person is no longer a student in the School District and which do not relate to the person as a student **and that are not directly related to the individual’s attendance as a student.**

CE. Eligible Student

“Eligible Student” means a student who has attained eighteen years of age.

DF. Legitimate Educational Interest

“Legitimate Educational Interest” includes interests directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare. It includes a person’s need to know in order to perform an administrative task required in the school employee’s contract or position description approved by the School Board, perform a supervisory or instructional task directly related to the student’s education, 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.

EG. Parent

“Parent” includes a parent, a guardian, or an individual acting as a parent of a 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 divorce, separation or custody, or a legally binding instrument which provides to the contrary.

FH. Personally Identifiable

“Personally Identifiable” means that the data or information includes the name of a student, the student’s parent, or other family member, the address of the student, a personal identifier, such as the student’s social security number, or student’s number **or biometric record**, ~~a list of personal characteristics which would make the student’s identity easily traceable or other information which would make the student’s identity easily traceable~~ **other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name.**

GI. Record

“Record” means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, file, **digital medium**, microfilm, and microfiche.

HJ. Responsible Authority

“Responsible Authority” means the Superintendent of Schools.

IK. Student

“Student” includes any individual with respect to whom the School District maintains education records.

JL. School Official

“School Official” includes a person duly elected to the School Board; a person employed by the School Board in an administrative, supervisory, instructional or other professional position; a person employed by the School Board as a temporary substitute in a professional position for the period of his or her

performance as a substitute; a person employed by or under contract to the School Board to perform a special task such as a secretary, a clerk, an attorney, a **police liaison officer** or an auditor for the period of his or her performance as an employee or contractor.

KM. 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 an individual is ascertainable.

LN. All other terms and phrases shall be defined in accordance with applicable State and Federal Law or ordinary custom and usage.

II. IN GENERAL

State Law provides that all data collected, created, received or maintained by a School District is 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 provision of 20 U.S.C. Sec. 1232g and the regulations promulgated thereunder.

III. STATEMENT OF RIGHTS

A. Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student’s education record.
2. The right to exercise a limited control over other people’s access to the student’s education record.
3. The right to seek to correct the student’s education record; in a hearing if necessary.
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;**
45. The right to report violations of the Federal Law to the Department of Health, Education and Welfare.
56. The right to be informed about rights under the Federal Law.

- B. All rights and protections given parents under this policy transfer to the student when he or she reaches age 18 or enrolls in an institution of post-secondary education. The student then becomes an “eligible student”.

IV. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure:

- 1. The School District shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided herein.
- 2. Consent is not required under this section where the disclosure is to the parent of a student who is not an eligible student or the student himself or herself.
- 3. The written consent required by paragraph IV.A.1. must be signed and dated by the parent of the student or the eligible student given 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; and
 - d. If appropriate, a termination date for the consent.

B. Eligible Student Consent

Whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student. **However, the parents 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 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 34 C.F.R. § 99.31(a).**

C. 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 and if the disclosure is:

- 1. To school officials and their authorized staff within the School District, provided that they 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.**

23. **To officials of other schools, or 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 and that the District will not further notify parents or eligible students prior to such a 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 XIV), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act. Upon 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 these records;**

34. **To authorized representatives of the Comptroller General of the United States, other federal educational authorities as provided by 20 U.S.C. Sec. 1232g, and the Commissioner of the State Department of Education or his representative, subject to the conditions relative to such disclosure provided under Federal Law;**

45. **In connection with financial aid for which a student has applied or received;**

56. **To State and local officials or authorities to whom such information is specifically required to be reported or disclosed by state statute enacted prior to November 19, 1974;**

67. **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, and improving instruction; provided that the studies are conducted in a**

manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to, Federal, State and local agencies, and independent organizations;

78. To accrediting organizations in order to carry out their accrediting functions;
89. To parents of a ~~dependent~~ student **eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes, as defined in Section 152 of the Internal Revenue Code of 1954;**
910. To comply with a judicial order or lawfully issued subpoena; provided that the School District makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance therewith; **and 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 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 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. 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;**
1011. To appropriate parties, **including parents of an eligible student,** in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. ~~Factors to be considered in determining disclosure include:~~ **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, the school district 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 IX.D. 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 the school district and/or teachers and school officials in other schools who have legitimate education 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 the school district has designated as “directory information” pursuant to Section V of this policy.
14. To military recruiting officers and post-secondary educational institutions pursuant to Section IX of this policy.
15. To the parent of a student who is not an eligible student or to the student himself or herself;
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;
 - a. ~~The seriousness of the threat to the health or safety of the student or other individuals;~~
 - b. ~~The need for the information to meet the emergency;~~
 - c. ~~Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and~~
 - d. ~~The extent to which time is of the essence in dealing with the emergency.~~

17. **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 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 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;

18. **Information provided to the school district concerning sex offenders and other individuals required to register in accordance with the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and applicable federal guidelines.**
- D. The student's parents or the eligible student may obtain a copy of records disclosed under this provision.

V. RELEASE OF DIRECTORY INFORMATION

- A. Directory information is public except as provided herein.
- B. Former Students:
The School District may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the School District **unless the 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.**
- C. Present Students:
The School District may disclose directory information from the education records of a student without the prior written consent of the parent of the student or eligible student except as provided herein. Prior to such disclosure the School District shall:
 - 1. Give public notice in a newspaper of general circulation of the categories of personally identifiable information which it has designated as directory information.
 - 2. 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 to the officials or agencies outlined in Section IV above).
 - 3. **A parent or eligible student may not opt out of the directory information disclosures to prevent the school district from disclosing or requiring the student to disclose the student's name, identifier, or school district e-mail address in a class in which the student is enrolled.**
 - 4. **The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section IV.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 Non-Disclosure of Directory Information:
The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:
 - 1. Name of student;

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.
- E. The designation of any information as directory information about a student will remain in effect until it is modified at the written direction of the student's parent or the eligible student.

VI. DISCLOSURE OF PRIVATE RECORDS

A. Private Records:

For the purpose herein, education records are records which are classified as private data on individuals by State Law and which are accessible only to the student 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 and except as provided in Section IV herein, without the prior written consent of the parent. **The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.**

B. Private Records Not Accessible To Parents:

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.

1. Pursuant to Minn. Stat. 626.556. reports pertaining to neglected and physically or sexually abused children shall be accessible to appropriate welfare and law enforcement agencies and the subject individual alone. The School District shall not make such reports available to the parent.

VII. DISCLOSURE OF CONFIDENTIAL RECORDS

- A. 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 parent.
- B. Records in the possession of the School District which include data on a student which is collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of commencement of a legal action shall be treated as confidential by the School District until such time as the provisions of Minn. Stat. ~~15.1611,~~

~~Subd. 2a, 13.01~~ no longer so classify that data.

C. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, 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 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.

D. 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 Minn. Stat. § 13.393.

E. 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.

VIII. 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 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.*

IX. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

A. The school district 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 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.**
- 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 and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the Superintendent in writing by September 1 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 recruiting officers and post-secondary educational institutions; and**
 - 7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.**
- 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 students in grades 11 and 12 without prior consent.**

- E. **A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes 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 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 and post-secondary educational institutions.**

~~VIII~~ X. LIMITATIONS ON REDISCLOSURE

- A. 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 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 personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made **or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section IV of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.**
- B. Paragraph ~~VIII~~, § A of this Section does not ~~preclude~~ **prevent** the School District from disclosing personally identifiable information under Section IV herein with the understanding that the information will be disclosed to other parties under that Section; provided that the recordkeeping requirements of Federal Law are met with respect to each of those parties.
- C. The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the School District.
- D. The School District shall, except for the disclosure of directory information under Section V, inform the party to whom a disclosure is made of the requirements set forth in paragraph ~~VIII~~, A of this Section.

IXI RESPONSIBLE AUTHORITY, RECORD SECURITY, AND RECORDKEEPING

- A. Responsible Authority:
The responsible authority for the maintenance and security of student records shall be the Superintendent of Schools.

- B. Record Security:
The Principal of each school, subject to the supervision and control of the responsible authority, shall be the records manager of his/her school and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

- C. The building Principal will submit to the responsible authority a written plan **with updates as needed** for securing student 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.

The responsible authority shall review these plans for compliance with law, this policy and the various administrative policies of the District. ~~He shall then promulgate a chart incorporating the provisions of paragraphs IX.C.1, IX.C.2, and IX.C.3 which shall be attached to and become a part of this policy.~~

- D. Recordkeeping
 - 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 kept with the education records of the student which indicates:
 - a. The parties who have requested or obtained personally identifiable information from the education records of the student;
 - b. The legitimate interests these parties had in requesting or obtaining the information;
 - c. The date of the request; ~~and~~
 - d. **The names of the state and local educational authorities and federal officials and agencies listed in Section IV.C.4. of this policy that may make further disclosures of personally**

identifiable information from the student's education records without consent, and

- de. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

- 2. Paragraph IX.D.1 of this Section does not apply to requests by or disclosures 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 when the consent is specific with respect to the party or parties to whom the disclosure is to be made, requests by or disclosures to school officials under paragraph IV.C.1 or to requests for or disclosures of directory information under Section V.

- 3. The record of requests and disclosures may be inspected:
 - a. By the parent of the student or the eligible student.
 - b. By the responsible authority and the building Principals who are responsible for the custody of the records.
 - c. By the parties authorized by law to audit the recordkeeping procedures of the School District.

XII RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- A. The School District shall permit the parent of a student or an eligible student who is or has been in attendance in the School District to inspect and review the education records of the student except those records which are made confidential by State or Federal Law **or as otherwise provided in Section VI of this policy**. The School District shall comply with a request immediately if possible, or within ~~five~~ **ten** days of the date of the request, excluding Saturdays, Sundays, and legal holidays. If the District cannot comply with the request within that time, the responsible authority shall so inform the requester and may have an additional five days within which to comply, excluding Saturdays, Sundays and legal holidays.

- B. The right to inspect and review education records under paragraph ~~IX.A~~ of this Section includes:
 - 1. The right to a response from the School District to reasonable requests for explanations and interpretations of the records; and

 - 2. The right to obtain copies of the records from the School District where failure of the School District to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

3. Parents or eligible students shall submit to the School District a written request to inspect educational records which identifies as precisely as possible the record or records he or she wishes to inspect.
4. If a student's educational records are maintained in more than one location, the responsible authority may collect copies of 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 shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place when the records may be inspected.
5. 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.
6. The School District may presume that either parent of the student has authority to inspect and review the education records of the 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 divorce, separation or custody, which provides to the contrary.
7. Fees of Copies of Records:
 - a. Copies of records shall be reproduced at a cost of 15 cents per page.
 - b. The cost of providing copies shall be borne by the parent or eligible student.
 - c. The responsible authority may waive this fee in whole or in part if he determines that failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review those records.
 - d. The School District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be from 15 cents to 35 cents (actual search, retrieval and copying costs) plus postage if that is involved.

XIII. REQUEST TO AMEND RECORDS: PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records:

1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate,

misleading, incomplete or violates the privacy or other rights of the student may request that the School District amend them.

2. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, incomplete or in violation of the privacy or other rights of the student, shall state the reasons for this belief, and shall specify the correction the requestor wishes the District to make. The request shall be signed and dated by the requestor.
3. The responsible authority shall decide whether to amend the education records of the student in accordance with the request within ~~a reasonable period of time of receipt of the request, not to exceed~~ thirty (30) days **after receiving the request.**
4. If the responsible authority decides to amend the education records, the District shall attempt to notify past recipients of the data, including recipients named by the requestor.
5. If the responsible authority decides to refuse to amend the education records of the student in accordance with the request, he shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under paragraph XI.B.

B. Right to Hearing

1. If the responsible authority refuses to amend the education records of a student, the School District shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with paragraph XI.C.
2. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing, and attempt to so notify past recipients of the data.
3. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with

the decision of the agency or institution.

4. Any explanation placed in the education records of the student under paragraph XI.B.3 of this Section shall.
 - a. Be maintained by the School District as part of the education records of the student as 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 shall also be disclosed to the party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the School District has received the request, not to exceed forty-five (45) days, and the parent 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 party approved by the School Board, including an official or employee of the School District who does not have a direct interest in the outcome of the hearing. The School Board attorney shall be in attendance to present the School District's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relevant to the issues raised under paragraph XI.A and XI.B herein and may be assisted by individuals of his or her choice at his or her own expense, including an attorney.
4. The designated hearing officer 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.
5. The decision of the designated hearing officer shall be served upon each party and shall be the final decision of the School District.

D. Appeal:

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the State Administrative

Procedure Act, Minn. Stat., C. 15, relating to contested cases.

XIV. COMPLAINTS FOR NON-COMPLIANCE

~~Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. Sec. 1232g shall be submitted in writing to Family Educational Rights and Privacy Act Office, Department of Health, Education and Welfare, The Hubert H. Humphrey Building, Room 526F, Washington, D.C. 20201.~~

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. § 1232g, 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.

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 and the rules promulgated thereunder has occurred.

XIII. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to ~~30~~ **20** U.S.C. Sec. 1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The School District may not require such a waiver.

XVI. ANNUAL NOTIFICATION OF RIGHTS

- A. The School District shall give parents of students in attendance or eligible students in attendance annual notice by such means as are reasonably likely to inform them of the following:
1. Their rights under 20 U.S.C. Sec. 1232g, and 45 C.F.R., Part 99; the policy adopted under 45 C.F.R. Sec. 99.5 and the Minnesota Government Data Practices Act; the notice shall also inform parents of students or eligible students of the locations where copies of the policy may be obtained; and
 2. The right to file complaints under 45 C.F.R. Sec. 99.63 concerning alleged failures by the School District to comply with the requirements of 20 U.S.C. Sec. 1232g.

3. That the school district 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 No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. The School District shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

XVII. DESTRUCTION AND RETENTION OF RECORDS

The destruction and retention of records by the School District shall be controlled by State and Federal Law.

XVIII. Copies of this policy may be obtained by parents and eligible students from the office of the Superintendent of Schools or by following the links to School Board policies on the district's website (www.forestlake.k12.mn.us).

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
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 (Sharing Disposition Order and Peace Officer Records)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
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.* (No Child Left Behind)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
42 U.S.C. § 14071 (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)
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)**

Cross References: **Policy 522 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)**
Policy 435 (Drug-Free Workplace/Drug-Free School)
Policy 515 (Discipline)
Policy 504 (Interrogation of Students by Non-School Personnel)
Policy 707 (Community Notification of Sex Offenders)
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)

REVISED: 10/6/75

REVISED: 5/19/81

REVISED: 5/3/99

REVISED: 7/10/00

[Note: The use of this form requesting information about specific activities or behavior is mandated by statute. In addition, the school district is required to maintain such requests and a record of any release in the student's file.]

**JUVENILE JUSTICE SYSTEM
REQUEST FOR INFORMATION**

Family Educational Rights and Privacy Act
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, 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 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*)

Indicate whether you have data that document the student's:

_____	Use of a controlled substance, alcohol, or tobacco	_____
_____	Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, 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 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 understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

Signature/Title

[Note: A principal or chief administrative officer of a school who receives such a request to disclose information about a student to the juvenile justice system shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten (10) days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer 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 principal or chief administrative officer must respond to the data request.]