



515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

The school district recognizes its legal and ethical responsibility to protect the privacy rights of students and parents/guardians. This policy establishes requirements for the collection, maintenance, use, and disclosure of student education records in compliance with:

- A. United States Code, Title 20, Section 1232g (Family Educational Rights and Privacy Act FERPA);
- B. Code of Federal Regulations, Title 34, Part 99;
- C. Minnesota Statutes, Chapter 13 (Government Data Practices Act); and
- D. Minnesota Rules, Parts 1205.0100–1205.2000.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall maintain student records in a manner that ensures accuracy, security, and confidentiality.
- B. Parents/guardians and eligible students (age 18 or enrolled in postsecondary education) have the rights guaranteed under federal and state law, including the right to:
 - 1. Inspect and review education records;
 - 2. Request amendment of inaccurate or misleading records;
 - 3. Consent (with limited exceptions) to disclosures of personally identifiable information; and
 - 4. File a complaint with the U.S. Department of Education or the Minnesota Commissioner of Administration for violations.
- C. The district will provide annual notification of rights under FERPA and the Minnesota Government Data Practices Act.

III. DEFINITIONS

- A. “Authorized Representative” means any entity or individual designated by the district, the U.S. Department of Education, or state/local educational authorities to audit, evaluate, or enforce education programs.
- B. “Biometric Record” means a record of measurable biological or behavioral characteristics

used for automated identification (e.g., fingerprints, retina scans, voiceprints, DNA).

C. “Dates of Attendance” means the period during which a student is enrolled in the district, including participation in classroom and alternative instructional formats. Does not include daily attendance logs.

D. “Directory Information” means information that is not generally considered harmful or invasive if disclosed.

1. For Hastings Public School, directory information includes:

- a) Student/Parent/Guardian name;
- b) Photograph, video, or electronic image;
- c) Date and place of birth;
- d) Grade level and enrollment status (full/part time);
- e) Major field of study;
- f) Dates of attendance;
- g) Participation in officially recognized activities and sports;
- h) Weight and height of athletic team members;
- i) Degrees, honors, and awards received; and
- j) The most recent educational agency attended.

2. Directory information does not include:

- a) Social security numbers;
- b) Student identification numbers or credentials used for system access;
- c) A student or parent/guardian’s personal contact information (home address, telephone number, email address) as restricted by Minnesota law;
- d) Data referencing religion, race, color, social position, or nationality; or
- e) Data on nonpublic school students, except as permitted with written consent.

E. “Education Records” means records directly related to a student and maintained by the district or a party acting for the district. Exclusions include:

1. Personal notes of instructional personnel not shared with others;

2. Law enforcement records maintained solely for law enforcement purposes;
 3. Employee records not related to student status;
 4. Treatment records made by health professionals used only for treatment purposes;
 5. Records created after a student is no longer enrolled and unrelated to prior attendance;
or
 6. Peer-graded papers before collection by a teacher kept in the sole possession of the maker of the record; used as a personal memory aid; not accessible or revealed to any other individual except a substitute teacher; and destroyed at the end of the school year.
- F. "Education Support Services Data" means private data on individuals relating to programs designed to reduce disparities in student achievement. Disclosure is restricted to state law or court order.
- G. "Eligible Student" means a student who has reached 18 years of age or attends a postsecondary institution.
- H. Juvenile Justice System "includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
- I. "Legitimate Educational Interest" means A school official's need to access education records for purposes directly related to instruction, student achievement, safety, or administration.
- J. "Parent" means a natural parent, guardian, or individual acting as a parent in the absence of a guardian, unless restricted by court order or law.
- K. "Personally Identifiable Information (PII)" includes, but is not limited to:
1. Student's name;
 2. Parent or family member's name;
 3. Address of the student or family;
 4. Personal identifiers such as Social Security number, student ID, or biometric record;
 5. Indirect identifiers such as date of birth, place of birth, or mother's maiden name;
 6. Any other information that, alone or combined, could reasonably identify the student; or
 7. Information requested by someone the district reasonably believes knows the student's identity.

- L. “Record” means any information recorded in any form, including handwriting, print, computer files, video or audio recordings, film, microfilm, or microfiche.
- M. “Responsible Authority” means Superintendent or designee.
- N. “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” 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 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, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.
- P. “Summary Data” means statistical records and reports derived from individuals in which no student can be identified.
- Q. “Other Terms and Phrases” means all other terms shall carry the definitions provided by state and federal law or their ordinary meaning in common usage.

IV. GENERAL CLASSIFICATION

Under state law, all data collected, created, received, or maintained by the school district are public unless classified by state or federal law as private or confidential. Student data are classified as private and may not be disclosed without parent/guardian or eligible student consent, except as permitted by FERPA, state law, or court order .

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

Parents and eligible students have the rights to:

1. Inspect and review the student’s education records;
2. Request amendment of records believed to be inaccurate, misleading, or a violation of privacy rights;
3. Consent to the disclosures of personally identifiable information, except where

disclosure is permitted by law without consent;

4. Refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers or postsecondary institutions;
5. File a complaint with the U.S. Department of Education for violations of FERPA;
6. Be informed annually of their rights under the federal law; and
7. Obtain a copy of this policy from the location set forth in Section XXI.

B. Eligible Students

1. When a student turns 18 or enrolls in a postsecondary institution, all rights under this policy transfer from the parent to the student (“eligible student”);
2. Parents of a dependent eligible student may still access the student’s education records without consent; and
3. Parents may also access records without consent in a health or safety emergency if permitted under Code of Federal Regulations, Title 34, section 99.31(a).

C. Students with a Disability

For students with disabilities, the district complies with Code of Federal Regulations, Title 34, sections 300.610-300.617, which govern privacy, notice, access, recordkeeping, and accuracy of special education records.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required

The school district must obtain signed and dated written consent from a parent or eligible student before releasing personally identifiable information from education records, except where disclosure without consent is authorized by law.

1. Required Elements of Consent

The written consent must:

- a) Specify the records to be disclosed;
- b) State the purpose(s) of the disclosure;
- c) Identify the party or class of parties to whom disclosure may be made;
- d) Explain the consequences of giving consent; and

- e) Include a termination date, if appropriate.
- 2. Upon disclosure:
 - a) A copy of the disclosed records must be provided to the parent or eligible student upon request; and
 - b) If the student is not an eligible student, a copy must also be provided to the student upon the parent's request.
- 3. Electronic Consent:
 - a) Identifies and authenticates the individual providing consent; and
 - b) Confirms approval of the information contained in the consent.
- 4. Special Rule: Consent for Insurers:
 - a) Written in plain language and dated;
 - b) Specific about the individuals or agencies authorized to disclose information;
 - c) Specific about the nature of the information to be disclosed;
 - d) Specific about the recipients of the disclosure;
 - e) Specific about the purposes of the disclosure, both current and future; and
 - f) Limited by a clear expiration date:
 - (1) Generally no more than one year;
 - (2) Up to two years for life insurance or non-cancellable/guaranteed renewable health insurance; and
 - (3) Ongoing for Medical Assistance (Minnesota Statutes, chapter 256B) or MinnesotaCare (Minnesota Statutes, Chapter 256L) when related to IEP health services eligible for third-party reimbursement.
- 5. Eligible Student Consent

Whenever a student turns eighteen (18) or enrolls in a post-secondary institution, all rights under this policy transfer from the parent to the student. At that point, only the eligible student's consent is required, except as otherwise provided in Section V of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information (PII) from a student's education record without written consent of the parent or eligible student when permitted by federal or state law, including but not limited to:

1. School Purposes

- a) To school officials, including teachers, with a legitimate educational interest;
- b) To contractors, consultants, volunteers, or other parties performing institutional services under direct control of the district, with restrictions on use and re-disclosure; and
- c) To officials of another school or institution where the student seeks or intends to enroll, including discipline and safety records as required by law.

2. Government and Oversight

- a) To authorized representatives of the U.S. Comptroller General, Attorney General, U.S. Department of Education, or Minnesota Department of Education;
- b) To state and local officials in the juvenile justice system, as authorized by statute, with written certification that the data will remain confidential;
- c) To accrediting organizations carrying out accreditation functions; or
- d) To the Secretary of Agriculture and representatives of the Food and Nutrition Service for program evaluation, subject to confidentiality protections.

3. Financial Aid and Benefits

- a) To determine eligibility, amount, or enforcement of financial aid; and
- b) To agencies conducting studies to improve instruction, administer student aid, or validate testing subject to strict agreements on confidentiality and data destruction.

4. Legal Requirements

- a) To comply with a judicial order or subpoena, with advance notice to parents/eligible students unless prohibited by law (e.g., grand jury subpoena, terrorism investigations, or child abuse proceedings); and
- b) When the district or a parent/eligible student initiates legal action involving the school district, relevant records may be disclosed to the court.

5. Health and Safety

- a) To appropriate parties, including parents, in an emergency where disclosure is

necessary to protect the health or safety of the student or others; and

- b) To juvenile justice authorities if necessary to protect safety or respond to a student posing a risk of harm;

6. Directory and Contact Information

- a) Information designated as “directory information” under this policy;
- b) Names, addresses, and phone numbers of students in grades 11–12 to military recruiters or postsecondary institutions (unless parents/students opt out); and
- c) Parent or student contact information for transition planning for students with disabilities, as permitted under Minnesota law.

7. Parents and Students

- a) To parents of a dependent student (for tax purposes), even if the student is an eligible student; and
- b) To the parent of a non-eligible student or to the student directly.

8. Special Disclosures under Minnesota Law

- a) Certain student data must be disclosed to the juvenile justice system (e.g., student’s name, contact information, attendance, photographs, and parent contact information);
- b) Specific behavioral information (e.g., drug/alcohol use, assaults, weapons, theft, vandalism) may be disclosed if requested on the statutory form and no objection is received from the parent/guardian within required timelines; and
- c) Information from disposition orders or peace officer records must be shared with principals, counselors, and supervising staff as needed for safety, but may not be further disseminated except as allowed by law.

9. Child Welfare

- a) To a caseworker or representative of a state, local, or tribal child welfare agency legally responsible for the care and protection of the student, subject to confidentiality protections.

Note: Every disclosure without consent must comply with FERPA (United States Code, Title 20, Section 1232g; Code of Federal Regulations, Title 34, Part 99), the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), and applicable

Minnesota Rules.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student (other than a student who receives shared time educational services) without the written consent only when:

1. Required by a valid court order;
2. Authorized by statute; or
3. Provided to appropriate health authorities as necessary for immunization programs or epidemiological investigations determined by the commissioner of health to be needed for disease or disability prevention.

VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data to the extent required under federal law. Directory information must be designated pursuant to:
 - a) Minnesota Statutes, section 13.32, subdivision 5; and
 - b) United States Code, Title 20, section 1232g, and Code of Federal Regulations, Title 34, Part 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. A parent's/guardian's personal contact information must always be treated as private data, regardless of whether it was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 2.
3. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

Unless a former student opted out of directory information disclosure while enrolled (and has not rescinded that request), the school district may release directory information from records created while the individual was a student. Records created after the individual is no longer enrolled and not directly related to attendance (e.g., alumni activities) are not considered education records and may be released without restriction.

C. Present Students and Parents

The school district may disclose records, and information regarding parents, without prior written consent, except as limited by this policy.

1. As required by federal law, the district will provide annual notice to parents and eligible students that includes:
 - a) The types of information designated as directory information;
 - b) The right to refuse disclosure of any or all of these types of information; and
 - c) The timeframe for submitting written notice to withhold directory information.
2. Parents and eligible students must be allowed a reasonable period after notice to submit a written request that some or all directory information not be disclosed without prior written consent. Opt-outs may not be used to:
 - a) Prevent disclosure of a student's name, ID number, or school district email address in a class in which the student is enrolled; or
 - b) Prevent use or display of student ID cards or badges containing information designated as directory information.
3. Directory information will not be disclosed or confirmed without written consent if the student's Social Security number or other non-directory information is used alone or in combination with other elements to identify the student.

D. Procedure for Nondisclosure of Directory Information

A written request to withhold directory information must be directed to the responsible authority and must include:

1. The student and/or parents name;
2. Home address;
3. Current school of attendance;
4. Parent's legal relationship to the student, (if applicable); and
5. Specific categories of directory information to be withheld.

Such requests apply only for the school year in which they are submitted

E. Duration

Directory information designations remain in effect for the school year unless the parent or eligible student submits a written opt-out request as described above.

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes of this policy, education records are records classified as private data on individuals under state law and accessible only to the student who is the subject of the data and if the student is not an eligible student, to the student's parent. The school district may not disclose private records or their contents except as summary data, or as otherwise provided in Section VI of this policy, , without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to verify and authenticate the identity of parents, students, school officials, and any other party prior to disclosing personally identifiable information from education records.

B. Private Records Not Accessible to Parent

Certain education record information is intended by state law to be accessible to the student alone, and to a parent only under special circumstances, if at all.

1. A minor student may submit a written request to the responsible authority to deny parental access to specified private data. The request must state the reasons for denial and be signed by the minor student.
2. Upon receiving such a request, the responsible authority will determine whether honoring the request is in the best interest of the minor. In making this determination, the responsible authority shall consider:
 - a) whether the minor is of sufficient age and maturity to to understand the request and its consequences;
 - b) Whether denying parental access may protect the minor from physical or emotional harm;
 - c) Whether the minor's stated reasons are reasonably accurate;
 - d) Whether disclosure to the parent may lead to physical or emotional harm; and
 - e) Whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes, sections 144.341-144.347, in which case, release to a parent may occur only if failure to inform the parent would seriously jeopardize the minor's health.

C. Private Records Not Accessible to Student

A student does not have the right to access private data concerning:

1. Financial records and statements of the student's parent; or
2. Any information contained within those records.

D. Military-Connected Youth Identifier

When a school district updates its enrollment forms in the ordinary course of business, it must include a checkbox allowing students to self-identify as a military-connected youth. A military-connected youth is defined as a student with an immediate family member (parent or sibling) who is:

1. Currently serving in the armed forces, either as a reservist or on active duty; or
2. Recently retired from the armed forces.

Data collected under this provision is classified as private data on individuals. However, the Minnesota Department of Education may publish such data in summary form.

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

Confidential records are records classified as not public under state or federal law. These records are inaccessible to the student, the student's parents, and to an eligible student, except as expressly authorized by law.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes, Chapter 260E written copies of 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. For all other parties, such data is confidential and will not be disclosed by the school district to the parent or the subject individual.

1. The subject individual may obtain a copy of the report directly from the local welfare agency, county sheriff, or local police department, subject to the provisions of Minnesota Statutes, Chapter 260E;
2. Regardless of whether a written report is filed, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of

the child that:

- a) an incident occurred that may constitute maltreatment;
- b) the date of the incident; and
- c) the nature of the conduct that may contribute to maltreatment.

C. Investigative Data

1. Data collected by the school district as part of an active investigation for the purpose of commencing or defending a pending civil legal action, or retained in anticipation of such action, are classified as:
 - a) Protected nonpublic data if the data is not on individuals; or
 - b) Confidential data if the data is on individuals.
2. The school district may release such data if it determines that disclosure will:
 - a) Aid the law enforcement process;
 - b) Promote public health or safety; or
 - c) Dispel widespread rumor or unrest.
3. Additional provisions regarding investigative data:
 - a) A complainant has access to the statement(s) he or she provided to the school district;
 - b) Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent such data is not inextricably intertwined with data about other students, employees, or attorney data under Minnesota Statutes, section 13.393;
 - c) Once a civil investigation becomes inactive, civil investigative data becomes public, unless its release would jeopardize another pending civil action, except for those portions classified as not public under state or federal law; and
 - d) Civil investigative data introduced as evidence in court or made part of a court record shall be public.
4. For purposes of this provision, a civil investigation becomes inactive upon:
 - a) A decision by the school district, or its attorney not to pursue civil legal action (with

the possibility of reactivation if the action is renewed);

- b) Expiration of the statute of limitations or applicable agreement period to file a complaint; or
- c) Exhaustion or expiration of appeal rights by either party.

A “pending civil legal action” including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

Any records maintained by the school district that identify, diagnose, provide prognosis, or treatment information of a student in connection with a drug abuse prevention function conducted, regulated, or assisted (directly or indirectly) by a United States department or agency are classified as confidential. Such records may only be disclosed for purposes and under the circumstances expressly authorized by law.

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

At a reasonable time before any exclusion or expulsion hearing, the student and the student’s parent/guardian, or representative shall be granted access to all school district records pertaining to the student. This includes any tests, reports, or other materials upon which the proposed action may be based, in accordance with the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, section 121A.40, *et seq.*

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

- A. The school district will provide the names, addresses, school-provided email addresses (if available, released only to military recruiters), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within 60 days of the request unless a parent or eligible student has opted out in writing.

B. Data released to military recruiters:

- 1. May only be used to inform students about military service, state and federal veterans’ education benefits, and other career and educational opportunities;
- 2. May not be shared with anyone outside military recruiting personnel; and
- 3. Will be provided at no cost.

C. Right to Refuse Disclosure

1. A parent or eligible student may refuse the release of the above information by submitting a written request to the responsible authority by the first day of school each year. The request must include:
 - a) Name of student and parent (if applicable);
 - b) Home address;
 - c) Student's grade level;
 - d) School presently attended by student;
 - e) Parent's legal relationship to student (if applicable);
 - f) Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
 - g) 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. The school district will provide annual public notice of the right to refuse release.

E. Refusal to release this information does not affect the release of other directory information. To make directory information private, the procedures in Section VII must be followed. Unless such a request is made, designated directory information, including name, address, phone number, and grade level, remains public and accessible to military recruiting officers and post-secondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redislosure Restrictions

The school district may only share personally identifiable information from a student's education records on the condition that the receiving party will not disclose the information without the prior written consent from the parent or the eligible student. Officers, employees, and agents of any party receiving may use the information, but only for the purposes for which it was provided.

B. Permitted Redislosure

1. This restriction does not prevent the school district from allowing a party to make further disclosures on its behalf, provided:

- a) The redisclosures comply with Section VI; and
- b) The school district meets the record-keeping requirements of Section XIII.

2. Exceptions

The restriction does not apply to:

- a) Disclosures under court orders, lawfully issued subpoenas, or litigation;
- b) Disclosure of directory information (Section VII);
- c) Disclosures to the parent, eligible student, or parents of dependent students;
- d) Disclosures concerning sex offenders or others required to register under federal law (42 U.S.C. § 14071); and
- e) For redisclosures based on a court order or subpoena, the school district must provide the notification required under Section XII(D).

C. Classification

Information retains the same classification in the hands of the receiving party as it had when held by the school district.

D. Notification

The school district must inform the receiving party of these redisclosure requirements, except in cases of court-ordered disclosures, directory information, or disclosures to parents or eligible students. If the Family Policy Compliance Office finds that a third party improperly discloses personally identifiable information or fails to receive required notification, the school district may deny that party access to education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORDKEEPING

A. Responsible Authority

The responsible authority is charged with the overall maintenance and security of student records.

B. Record Security

The principal of each school, under the supervision of the responsible authority, serves as the school's records manager, and is responsible for maintaining the privacy and confidentiality of student records.

C. Plan for Securing Student Records

By September 1 each school year, each building principal must submit a written plan to the responsible authority detailing:

1. Records maintained;
2. Names and titles of staff responsible for record security;
3. Location of student records, by category;
4. Method of securing records; and
5. Procedures for access and disclosure.

D. Review of Security Plans

The responsible authority shall review submitted plans for compliance with law, this policy, and district administrative policies. A consolidated chart summarizing all plans shall be attached to this policy.

E. Record Keeping

1. For every request for or disclosure of personally identifiable information from a student's education records, the principal must maintain a record including:
 - a) The parties who requested or received information;
 - b) the legitimate interests these parties had; and
 - c) Names of the state and local, and federal authorities permitted further disclosure under Section VI(B)(4).
2. If information is disclosed under Section XII(B), the record must also include:
 - a) Names of the additional parties to whom the information may be further disclosed;
 - b) the legitimate interests of these additional parties; and
 - c) Copies of any record of further disclosures maintained by authorities receiving the information.
3. Exceptions

Recordkeeping is not required for:

 - a) Requests or disclosures to a parent or eligible student;

- b) Disclosures with parent/student consent;
- c) Other school officials under Section VI(B)(1);
- d) Directory information under Section VII; or
- e) Disclosures under court orders, subpoenas, or ex parte orders for law enforcement or terrorism investigations.

4. Inspection of Records

Records of requests and disclosures may be inspected by:

- a) The student's parent or eligible student;
- b) School official responsible for records e custody; and
- c) Parties authorized by law to audit the district's recordkeeping procedures.

5. Health and Safety Emergency Disclosures

For disclosures made under a health or safety emergency, the record must include:

- a) The articulable and significant threat that justified the disclosure; and
- b) The parties to whom information was disclosed.

6. Retention

All records of requests and disclosures must be maintained with the student's education records for as long as those records are retained by the school district.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A. Eligible Individuals

The school district shall permit the following individuals to inspect or review a student's education records, except for records made confidential by state or federal law or as restricted in Section VIII of this policy.

- 1. The parent of a student;
- 2. An eligible student; or
- 3. The parent of an eligible student who is also a dependent student.

B. Response to Request

The school district shall respond to any request to inspect or review records immediately if

possible, or within ten (10) days, excluding Saturdays, Sundays, and legal holidays.

C. Scope of Inspection and Review

The right to inspect and review education records includes:

1. The right to to receive explanations and interpretations of the records upon reasonable request;
2. If circumstances prevent inspection in person, the school district shall provide a copy of the records or make other arrangements for review; and
3. This policy does not limit the frequency of inspection for parents or guardians of students with disabilities or for eligible students who have reached the age of majority.

D. Form of Request

Requests to inspect records must be submitted in writing and should identify as precisely as possible the record or records requested.

E. Collection of Records

If a student's records are maintained at multiple locations, the responsible authority may collect the records for inspection at one site. If the parent or eligible student wishes to inspect records where they are maintained, the school district shall attempt to accommodate this request and notify them of the time and place for inspection.

F. Records Containing Information on MultipleStudents

If the education records contain information about more than one student, the parent or eligible student may inspect only the specific information which pertains to their child or themselves.

G. Authority to Inspect or Review

The school district may presume that either parent has authority to inspect or review the student's education records unless provided evidence (e.g., court orders, state laws, marriage dissolution or custody arrangements) indicating otherwise.

H. Fees for Copies

1. The school district may charge a reasonable fee for photocopies or printed copies of records unless printing is the only means to allow inspection. Factors in determining a reasonable fee include:
 - a) The cost of materials (e.g. paper);

- b) Labor to prepare the copies;
 - c) Standard copying charges;
 - d) Special costs for machine-based record systems; and
 - e) Mailing costs.
2. For 100 or fewer pages of black-and-white letter or legal size copies, the charge shall not exceed \$0.25 per page.
 3. Costs are the responsibility of the parent or eligible student.
 4. No fee may be charged if it would effectively prevent, or in the case of a student with a disability, impair the right to inspect or review the records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

1. A parent of a student or an eligible student who believes that information in the student's education records is inaccurate, misleading, or in violation of the student's privacy rights may request an amendment.
2. The request must:
 - a) Be in writing, signed, and dated;
 - b) Identify the specific item in question;
 - c) State the reason it is believed to be inaccurate, misleading, or a violation of rights; and
 - d) Specify the correction sought.
3. The school district shall decide within thirty (30) days whether to amend the record.
4. If the request is denied, the district shall provide written notice of refusal and inform the parent or eligible student of the right to a hearing.

B. Right to a Hearing

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

section.

1. Upon request, the district shall provide a hearing to challenge the content of a student's education records to ensure the records are not inaccurate, misleading, or otherwise in violation of privacy rights.
2. If the hearing results in a decision to amend the record, the district shall do so and provide written notice to the parent or eligible student.
3. If the district upholds the accuracy of the record, the parent or eligible student has the right to place a written statement in the record:
 - a) Commenting on the contested information; and/or
 - b) Stating disagreement with the district's decision.
4. Any such statement will be maintained with the student's education record for as long as the record is retained. If the record or contested portion is disclosed to a third party, the statement must also be disclosed.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the district receives the request. Written notice of the date, place, and time shall be provided in advance.
2. The hearing may be conducted by an individual, including a district official, who does not have a direct interest in the outcome.
3. The school board attorney shall attend to present the district's position and advise the hearing officer on legal and evidentiary matters.
4. The parent or eligible student shall be given a full and fair opportunity to present evidence and may be represented, at their own expense, by an individual of their choice, including an attorney.
5. A written decision shall be issued within a reasonable period of time following the hearing. The decision shall:
 - a) Be based solely on evidence presented at the hearing;
 - b) Include a summary of the evidence; and
 - c) State the reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with

Minnesota Statutes, Chapter 14, relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

A. Data Practices Compliance Official

The data practices compliance official shall be the designated employee to whom individuals may direct questions or concerns regarding difficulties in obtaining access to data or other data practices issues. The data practices compliance official shall be the Superintendent or designee.

B. Requests for Reasonable Modifications

Any individual with a disability who requires reasonable modifications of the school district's policies or procedures in order to access education records shall submit such a request to the data practices compliance official.

XVII. COMPLAINTS FOR NON COMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of the rights accorded to parents and eligible students under FERPA, and the regulations promulgated thereunder, shall be submitted in writing to:

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 include specific factual allegations providing reasonable cause to believe that a violation of FERPA or its implementing regulations has occurred.

XVIII. WAIVER

A parent or an eligible student may waive any rights provided under FERPA. A waiver is valid only if it is in writing and signed by the parent or eligible student. The school district may not require or condition services upon the execution of such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

The school district shall annually notify parents of students currently in attendance and eligible students currently in attendance, by means reasonably likely to inform them, of the following rights:

1. The right to inspect and review the student's education records, and the procedure for exercising this right.
2. The right to seek amendment of the student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, and the procedure for requesting amendment.
3. The 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 authorize disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning an alleged failure by the school district to comply with FERPA and its implementing regulations.
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 identified by the school district as having such interests.

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

The school district shall take appropriate measures 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 Have a Disability

The school district shall take appropriate measures to effectively notify parents or eligible students identified as having a disability.

XX. DESTRUCTION AND RETENTION OF RECORDS

The destruction and retention of student records shall be governed by applicable state and federal law, including but not limited to the Minnesota Records Retention Schedule for School Districts and the Family Educational Rights and Privacy Act (FERPA).

The school district shall not destroy any education records if there is an outstanding request by a parent or eligible student to inspect and review such records. Personally identifiable information contained in education records shall be destroyed when no longer needed to provide educational services to the student, except when law requires maintenance of the

records.

XXI. COPIES OF POLICY

Copies of this policy shall be available to parents and eligible students upon request at the district office and shall also be accessible on the school district's official website.

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

Cross References: *ISD 200 Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)*
ISD 200 Policy 417 (Chemical Use and Abuse)
ISD 200 Policy 506 (Student Discipline)

ISD 200 Policy 515.1FRM (Directory Information Opt Out Form)
ISD 200 Policy 515.2FRM (Consent to Release Private Data)
ISD 200 Policy 519 (Interviews of Students by Outside Agencies)
ISD 200 Policy 520 (Student Surveys)
ISD 200 Policy 722 (Public Data Requests)
MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

Policy Reviewed: 09.19.2025

Policy Adopted:

Policy Revised: