



Jordan School District #717  
Policy Committee Minutes

Monday, February 22, 2016 at 5:30 PM  
Policy Committee  
Jordan Public Schools  
500 Sunset Drive; Suite 3  
Jordan, MN 55352

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1. 432 Return to Work Policy - NEW
2. 730 Data Request Policy - NEW

\_\_\_\_\_  
School Board Clerk

\_\_\_\_\_  
Date

## **JORDAN DISTRICT SCHOOLS POLICY**

*Adopted:*

*Revised:*

### **432 RETURN TO WORK POLICY**

#### **I. PURPOSE**

Jordan School District #717 recognizes the need to provide temporary, transitional work to employees who are unable to perform their regular duties due to occupational injury or illness.

#### **II. SCOPE**

This program applies to all employees who sustain an occupational illness or injury. Employees will receive assignments upon availability.

#### **III. DEFINITIONS**

1. **Occupational Illness/Injury:** For the purpose of this program, an occupational injury or illness means an injury or disease arising out of the employment with the Jordan School District and compensable under the workers' compensation laws of the State of Minnesota.
2. **Temporary Totally Disabled (TTD):** An employee who is temporarily totally disabled as a result of an occupational injury or illness is one who is medically incapable of performing any work.
3. **Temporary Partially Disabled (TPD):** A person whose medical condition permits him or her to perform some occupational function.
4. **Transitional Duty:** Is a therapeutic tool used to accelerate injured employees' return to work by addressing the physical, emotional, attitudinal and environmental factors that otherwise inhibit a prompt return to work. These assignments are meant to be temporary and may not last longer than 90 days, though Jordan District Schools permits multiple 90-day assignments back-to-back if medically warranted.
5. **Alternate Duty:** Is a part of Jordan School District's Return to Work Policy that is designed as a placement service for individuals who have reached maximum medical improvement and are still unable to perform the essential functions of their pre-injury job.

#### **IV. GOAL**

1. To provide work for employees with job related injuries or illnesses that restrict regular job performance.
2. To assist employees in the transition from injury or illness to recovery while continuing to be a productive part of the work force.

3. To prevent the deterioration of employees' work skills, health, and attitude that may result from prolonged work absence.
4. To demonstrate the districts' commitment to employee recovery.
5. To minimize the loss of productivity.

## **V. ROLES AND RESPONSIBILITIES**

Jordan School District #717 recognizes the need to provide temporary, transitional work to employees who are unable to perform their regular duties due to occupational injury or illness.

### **1. Employer/Administration Roles and Responsibilities**

- a. Develop a written policy with clear defined procedure (that is signed by top management).
- b. Hold all managers/supervisors/employees accountable for their participation in the program.
- c. Select a Return to Work Coordinator.
- d. Inform the insured and health care providers that the Jordan School District has an early Return to Work Program.

### **2. Return to Work Coordinator Responsibilities**

- a. Understand and promote RTW (disability management) program
- b. Monitor progress of the returning injured/ill employees to work and monitor problems that may occur to ensure that they are addressed.
- c. If an employee is released to work with restrictions that prohibit a return to regular job duties, identify temporary, transitional work opportunities that meet the physician's restrictions.
- d. Notify the employee if temporary, transitional work is available and send a copy of the job offer to the claims adjuster.
- e. Notify the claims adjuster of the employee's acceptance or rejection of temporary, transitional work.
- f. Document the temporary, transitional work duties to show compliance with the physician's recommendations.
- g. Review the accommodation with Administration and the supervisor prior to the injured worker starting work.

### **3. Manager/Supervisor Responsibilities**

- a. Understand and support the district's written policies/procedures.
- b. Complete accident investigation as soon as possible after the injury and forward report to the RTW Coordinator.
- c. Meet with the RTW Coordinator and employee to review the restrictions from the provider and identify accommodations or temporary, transitional work assignments.
- d. Maintain daily/weekly contact with the employee.
- e. Assure that the employee does not exceed work restrictions.
- f. Provide the employee with an employee claim form and complete the supervisor's report form.

### **4. Employee Responsibilities**

- a. Follow procedures for reporting all injuries and illnesses immediately.
- b. Communicate with managers/supervisors about your ability to return to work.
- c. Cooperate with the medical provider regarding ability to return to work.
- d. Work with the physical capabilities outlined in the temporary, transitional work plan by the medical provider.

- e. Support coworkers and provide a positive environment when injured employees return to transitional positions.
- f. Abide by the work/safety rules at the location of the temporary, transitional work assignment.

## VI. PROCEDURES

### 1. Post-Injury Procedure

- a. Immediately following an injury send the employee for medical treatment to an approved medical provider.
- b. Immediately following an injury complete an accident investigation form.
- c. Report the claim by phone, fax or email within 24 hours, so handling of the claim can begin in a timely manner.
- d. Contact the Return to Work Coordinator and forward the accident investigation documents.
- e. Provide an Information Packet to the physician's office at the time of the initial visit. The prepared packet should include:
  - 1) **Letter to the treating physician** explaining the return to work program in place, providing information and identifying an employer contact
  - 2) **Description of the injured worker's regular job, including job duties**
  - 3) **Physician's Return to Work Status (Return to Work Capabilities) Form:** It is critical to know the work restrictions that may be placed on an injured worker by the physician.
  - 4) **Temporary, Transitional Work Job Assignment**
- f. The Return to Work Status Form should immediately be emailed to the Return to Work Coordinator for review and placement determination.
- g. Administration will review restrictions and review the temporary, transitional work assignment.
- h. Once the temporary, transitional work assignment has been determined, the Return to Work Coordinator will contact the physician to review the position and get approval. Once approval has been received from the physician, the employee will be notified.
- i. Inform the employee of the temporary, transitional work assignment and ask the employee to sign a "Transitional Offer of Employment" agreement. (See appendix C)
- j. A temporary, transitional work assignment will be determined based on job analysis and the injured worker's work capabilities.
- k. The physician will be contacted regarding the position for verification and approval.
- l. The employee will be contacted regarding the position.
- m. The employee will have 3 days to accept the position after a work related injury.
- n. The RTW coordinator will contact the employee on day 3 to determine acceptance and provide instructions.
- o. Signed acceptance will be given to the employee's Supervisor/Manager.

### 2. Transitional Offer of Employment

- a. If the employee refuses to work in the return to work program, temporary disability benefits or industrial accident leave benefits may not be payable.
- b. The employee will be returned to work within the restrictions given by the physician with the first priority being to assign the employee to the same job observing the prescribed restrictions.
- c. If appropriate tasks cannot be found within the same job, the employee may be placed in another job that meets the prescribed restrictions.
- d. If the physician determines the employee is not able to perform the temporary, transitional/return to work tasks, the employee will be placed on leave until appropriate work can be assigned or the restrictions are lifted.

- e. Under the RTW Program, the Jordan School District does not intend to create long-term jobs for accommodation of permanent disability. The length of a temporary, transitional work assignment is based on several factors including medical recovery, compliance with medical treatment plan, physician input and availability of work. (See Appendix D for Transitional Work)

**3. Monitoring of Temporary, Transitional Work Assignment**

- a. The RTW Coordinator will assist the supervisor in maintaining weekly contact with employees while in temporary, transitional work assignments.
- b. The RTW Coordinator will assist the supervisors in monitoring the assignment for appropriateness and will contact administration if there are any issues.
- c. The claims adjuster and any other involved parties will be kept informed if any changes are necessary.
- d. The RTW Coordinator should evaluate the employee's status on a monthly basis. If the restrictions are short duration, the RTW Coordinator should evaluate the employee on a weekly basis.

**4. Conclusion of Temporary, Transitional Work Assignments**

- a. Temporary, transitional work assignments conclude when one of the following occurs:
  - 1) Upon receipt by the Jordan District Schools of a medical report stating the employee can return to regular duties.
  - 2) Upon receipt by the Jordan District Schools of medical report stating the employee can return to regular duties.
  - 3) Upon receipt by the Jordan District Schools of a medical report stating that the employee will be permanently unable to return to the job performed at the time of injury.
  - 4) The termination date specified in the "Transitional Offer of Employment" Agreement.

**APPENDIX A**

**Return to Work Policy**

The primary goal of Jordan District Schools #717 is to accommodate injured workers by identifying or modifying jobs to meet their physical capacities and allowing them to return to work as quickly and smoothly as possible. The district is committed to individualizing return to work programs based around the individual's physical capabilities and will review all task assignments regularly to ensure duties are appropriate.

We are committed to early return to work and recognize that it speeds up the recovery process and reduces the likelihood of permanent disability. Employees are expected to show the same commitment to the program by following the Return to Work Policy and all guidelines of the Return to Work Program. The Return to Work Program requires a team approach, so employees are expected to cooperate with the management team, supervisors and medical staff should they ever become injured and unable to perform their full job duties.

Prior to working on any job site, each employee is expected to have read the entire Return to Work Policy, which includes the following sections:

- Purpose
- Scope
- Definitions
- Goals
- Roles and Responsibilities
- Procedures

If you have any uncertainty or questions regarding the content of these policies, you are required to consult your supervisor. This should be done prior to signing and agreeing to the Return to Work Policy.

I am aware of and have read the Jordan District School's Return to Work Policy, and I understand the requirements and expectations of me as an employee. Should I become injured or ill and unable to carry out my regular duties, whether it happens inside or outside the workplace, I fully recognize Jordan School District's expectations of me during my recovery.

I understand that if I choose not to participate in the Return to Work Program or follow this policy's guidelines, I may become ineligible for state worker's compensation benefits and, in some cases, my refusal may be grounds for termination.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX B**

**Return to Work Letter to Employee**

[Insert employee name and address]

RE: [Insert name]  
Return to Work  
[Insert date of injury]

Dear [Insert employee name],

As per our recent conversation, [insert physician's name] released you to return to modified duty work. Modified duties are available for you starting on [insert day of week], [insert date]. We expect you to begin work at [insert time]. Please report to [insert supervisor's name] in the [insert department].

During modified duty, your hours will be from [insert start time] to [insert end time] each day for a total of [number] of hours per week. Your wage will be \$[insert amount] per hour while you are on light duty work. We will coordinate your worker's compensation benefits with your wages for the hours that you work.

It is important to recognize that, as it states in Jordan School District's Return to Work Policy, you may jeopardize our workers' compensation benefits if you fail to report to modified duty work. Please contact me immediately if you have any questions, concerns or problems with these requirements.

Sincerely,

[Insert Supervisor name]  
[Insert Supervisor title]

**APPENDIX C**

**Temporary, Transitional Work Job Agreement Letter**

My doctor has advised me that my physical activities at work are to be restricted on a temporary basis on my return to work for Jordan District Schools. I understand that these physical limitations are as follows:

By cosigning this agreement with me, my Manager/Supervisor acknowledges the above temporary restrictions and is able to temporarily modify my usual job or provide temporary alternative work for me as long as I continue with medical treatment. When my doctor assesses maximum medical improvement, any permanent restrictions imposed by my doctor will be used to evaluate my ability to meet the essential functions of my regular job.

I understand that it is my personal responsibility to follow my doctor's restrictions at all times, on the job and off. Therefore, if I am asked to perform a task at work which is outside the restrictions outlined above, I must notify my Manager/Supervisor immediately.

This agreement is in effect until \_\_\_\_\_, at which time I will return to Dr. \_\_\_\_\_ for recheck. After my appointment I will return to the District Office/RTW Coordinator with an updated list of restrictions or a full medical release.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Treating Physician Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Manager/Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX D**

**Temporary, Transitional Work**

**APPENDIX E**

**Return to Work Capabilities Form to be Completed by Physician**

Patient Name: \_\_\_\_\_

Physician Name: \_\_\_\_\_

Date: \_\_\_\_\_

**JORDAN DISTRICT SCHOOLS  
POLICY**

*Adopted:*

*Revised:*

**432 RETURN TO WORK POLICY**

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2. **Temporary Totally Disabled (TTD):** An employee who is temporarily totally disabled ~~as a result of an occupational injury or illness~~ is one who is medically incapable of performing any work.
3. **Temporary Partially Disabled (TPD):** An employee who is temporarily partially disabled is one who is medically capable of performing some occupational function within their physician's medical restrictions. A person whose medical condition permits him or her to perform some occupational function.
4. **Transitional Duty:** Is a therapeutic tool used to accelerate injured employees' return to work by addressing the physical, emotional, attitudinal and environmental factors that otherwise inhibit a prompt return to work. These assignments are meant to be temporary and may not last longer than 90 days, though Jordan District Schools permits multiple 90-day assignments back-to-back if medically warranted.
5. **Alternate Duty:** Is a part of Jordan School District's Return to Work Policy that is designed as a placement service for individuals who have reached maximum medical improvement and are still unable to perform the essential functions of their pre-injury job.

**IV. GOAL**

1. To provide work for employees with job related injuries or illnesses that restrict their ability to perform the essential functions of their regular ~~job performance~~.
2. To assist employees in the transition from injury or illness to recovery while continuing to be a

**Comment [KS1]:** Transitional work assignments can and should change as the employees condition changes and new medical restrictions are provided or if problems arise during the course of the transitional assignment. Perhaps something should be mentioned here about this?

Also transitional work can be modifying their original job or finding alternate work for them to do (modified or alternate).

**Comment [KS2]:** You will want to check with your attorney to make sure you are in compliance with all applicable HR laws. Ideally, an attorney who specializes in HR law should be consulted for the entire document.

**Comment [KS3]:** Alternate duty is generally referred to as a position other than the employees regular job. This is generally used to meet temporary work restrictions.

The definition provided for alternate duty in this program is more related to permanent disabilities which would be providing reasonable accommodations to the individual under the ADA, not alternate duty.

**Comment [KS4]:** Here are the standard definitions of transitional, modified and alternative work:

Transitional Work allows an employee with temporary work restrictions to work in a modified or alternative capacity for a defined period of time, while recuperating from an illness or injury. Transitional work can consist of modified work or alternative work.

Modified Work may include changing, transferring or eliminating specific job duties within the employee's regular job to meet the temporary work restrictions.

Alternative Work may include offering the employee a position other than his or her regular job to meet the temporary work restrictions.

productive part of the work-force.

3. To prevent the deterioration of employees' work skills, health, and attitude that may result from prolonged work absence.
4. To demonstrate the district's commitment to employee recovery.
5. To minimize the loss of productivity.

## V. ROLES AND RESPONSIBILITIES

Jordan School District #717 recognizes the need to provide temporary, transitional work to employees who are unable to perform their regular duties due to occupational injury or illness.

### 1. Employer/Administration Roles and Responsibilities

- a. Develop a written policy with clear defined procedure (that is signed by top management).
- b. Hold all managers/supervisors/employees accountable for their participation in the program.
- c. Select a Return to Work Coordinator.
- d. Inform the insured and health-care providers that the Jordan School District has an early Return to Work Program.

### 2. Return to Work Coordinator Responsibilities

- a. Understand and promote RTW (disability management) program
- b. Monitor progress of the returning injured/ill employees to work and monitor problems that may occur to ensure that they are addressed.
- c. If an employee is released to work with restrictions that prohibit a return to regular job duties, identify temporary, transitional work opportunities that meet the physician's restrictions.
- d. Notify the employee if temporary, transitional work is available and send a copy of the job offer to the claims adjuster.
- e. Notify the claims adjuster of the employee's acceptance or rejection of temporary, transitional work.
- f. Document the temporary, transitional work duties to show compliance with the physician's recommendations/restrictions.
- g. Review the any needed accommodations with Administration and the supervisor prior to the injured worker starting work.

### 3. Manager/Supervisor Responsibilities

- a. Understand and support the district's written policies/procedures.
- b. Complete accident investigation as soon as possible after the injury and forward report to the RTW Coordinator.
- c. Meet with the RTW Coordinator and employee to review the restrictions from the provider and identify accommodations or temporary, transitional work assignments.
- d. Maintain daily/weekly contact with the employee.
- e. Assure that the employee does not exceed work restrictions.
- f. Provide the employee with an employee claim form and complete the supervisor's report form.

### 4. Employee Responsibilities

- a. Follow procedures for reporting all injuries and illnesses immediately.
- b. Communicate with managers/supervisors about your ability to return to work.
- c. Cooperate with the medical provider regarding ability to return to work.

**Comment [KS5]:** Should this be inform the employees or insurer? Or should this be deleted? Also, are you using certain medical providers? If so, is that who you would like to notify of your program? If so, we have a generic letter that you could use to do that.

**Comment [KS6]:** Ideas for this should be preplanned and written down. You may have to come up with something else if the time arises, but it has been helpful to many of our accounts to have these planned in advance for typical restrictions (limited lifting, limited use of a limb, walking, standing etc). See email attachment for example transitional duty list from another school district. Please delete and modify the list to work for your needs.

**Comment [KS7]:** You should also provide two copies of the offer letter to the injured employee (one via certified mail to their residence and present one to them when they come in to start the assignment after you have discussed it with them via phone. Have them sign the letter, saying they received it and send an original signed copy to your claims adjuster.

**Comment [KS8]:** Is this an employee injury report? Or is this the state of Minnesota's first report of injury form? If it is the first, that is great. If it is the second, you should probably have your program administrator or person responsible for payroll and HR do that since there will likely be information on the form that the employee may not know. And if they are severely injured, they would not have the capacity to fill this out as needed to get the claim started.

**Comment [KS9]:** May want to include a bullet on following all Human Resources policies including punctuality, attendance and job performance, because all other rules still apply to an injured employee.

**Comment [KS10]:** You should also be requesting copies of the restriction form be sent directly to you from the physician's office.

- d. Work with in the physical capabilities outlined in the temporary, transitional work plan by the medical provider.
- e. Support coworkers and provide a positive environment when injured employees return to transitional positions.
- f. Abide by the work/safety rules at the location of the temporary, transitional work assignment.

**Comment [KS11]:** Do you have a specific form you use for this? If not, we have a generic one that you can use to have the physician fill out and send back. Ours will not list the capabilities but will list any restrictions the employee has.

## VI. PROCEDURES

### 1. Post-Injury Procedure

- a. Immediately following an injury send the employee for medical treatment to an approved medical provider.
- b. Immediately following an injury complete an accident investigation form.
- c. Report the claim by phone, fax or email within 24 hours, so handling of the claim can begin in a timely manner.
- d. Contact the Return to Work Coordinator and forward the accident investigation documents.
- e. Provide an Information Packet to the physician's office at the time of the initial visit. The prepared packet should include:
  - 1) **Letter to the treating physician** explaining the return to work program in place, providing information and identifying an employer contact
  - 2) **Description of the injured worker's regular job, including job duties**
  - 3) **Physician's Return to Work Status (Return to Work Capabilities) Form:** It is critical to know the work restrictions that may be placed on an injured worker by the physician.
  - 4) **Temporary, Transitional Work Job Assignment**
- f. The Return to Work Status Form should immediately be emailed to the Return to Work Coordinator for review and placement determination.
- g. Administration will review restrictions and review the temporary, transitional work assignment.
- h. Once the temporary, transitional work assignment has been determined, the Return to Work Coordinator will contact the physician to review the position and get approval. Once approval has been received from the physician, the employee will be notified.
- i. Inform the employee of the temporary, transitional work assignment and ask the employee to sign a "Transitional Offer of Employment" agreement. (See appendix C)
- j. A temporary, transitional work assignment will be determined based on job analysis and the injured worker's work capabilities.
- k. The physician will be contacted regarding the position for verification and approval.
- l. The employee will be contacted regarding the position.
- m. The employee will have 3 days to accept the position after a work related injury.
- n. The RTW coordinator will contact the employee on day 3 to determine acceptance and provide instructions.
- o. Signed acceptance will be given to the employee's Supervisor/Manager.

**Comment [KS12]:** Do you have selected physicians? If not, we can help you with that as well.

**Comment [KS13]:** Is this a description of what they will be doing when they return or is this something for the physician to fill out?

**Comment [KS14]:** What does this mean? Perhaps clarify this process if possible so anyone can pick up your document and complete the necessary steps to bring someone back to work.

**Comment [KS15]:** This is stated above also. Do you want to delete this one or is there two steps where you contact the physician?

**Comment [KS16]:** This is also mentioned above where you have them sign a letter.

**Comment [KS17]:** In Minnesota you only have 3 days after an injury before the claim becomes a lost time incident and you start paying lost time benefits. If you follow these two bullets, you will always have lost time on your claims, which then costs you more money and has a greater impact on your experience mod (which is used to calculate your insurance rates).

If you go past the 3 days, you will also lose your medical only claim discount (which means that all of the money spent on medical treatment will count against your experience mod versus only 30% of it counting against your experience mod for medical only claims)

### 2. Transitional Offer of Employment

- a. If the employee refuses to work in the return to work program, temporary disability benefits or industrial accident leave benefits may not be payable.
- b. The employee will be returned to work within the restrictions given by the physician with the first priority being to assign the employee to the same job observing the prescribed restrictions.
- c. If appropriate tasks cannot be found within the same job, the employee may be placed in another job that meets the prescribed restrictions.
- d. If the physician determines the employee is not able to perform the temporary,

transitional/return to work tasks, the employee will be placed on leave until appropriate work can be assigned or the restrictions are lifted.

- e. Under the RTW Program, the Jordan School District does not intend to create long-term jobs for accommodation of permanent disability. The length of a temporary, transitional work assignment is based on several factors including medical recovery, compliance with medical treatment plan, physician input and availability of work. (See Appendix D for Transitional Work)

**Comment [KS18]:** You should mention that this is covered under other policies but is not a part of the return to work program, because by law, you are required to provide reasonable accommodations for a disabled employee as long as they do not cause a financial hardship to you.

### 3. Monitoring of Temporary, Transitional Work Assignment

- a. The RTW Coordinator will assist the supervisor in maintaining weekly contact with employees while in temporary, transitional work assignments.
- b. The RTW Coordinator will assist the supervisors in monitoring the assignment for appropriateness and will contact administration if there are any issues.
- c. The claims adjuster and any other involved parties will be kept informed if any changes are necessary.
- d. The RTW Coordinator should evaluate the employee's status on a monthly basis. If the restrictions are short duration, the RTW Coordinator should evaluate the employee on a weekly basis.

**Comment [KS19]:** Do you have this list? If so, could you send it to me?

### 4. Conclusion of Temporary, Transitional Work Assignments

- a. Temporary, transitional work assignments conclude when one of the following occurs:
  - 1) Upon receipt by the Jordan District Schools of a medical report stating the employee can return to regular duties.
  - 2) Upon receipt by the Jordan District Schools of medical report stating the employee can return to regular duties.
  - 3) Upon receipt by the Jordan District Schools of a medical report stating that the employee will be permanently unable to return to the job performed at the time of injury.
  - 4) The termination date specified in the "Transitional Offer of Employment" Agreement.

**APPENDIX A**

**Return to Work Policy**

The primary goal of Jordan District Schools #717 is to accommodate injured workers by identifying or modifying jobs to meet their physical capacities and allowing them to return to work as quickly and smoothly as possible. The district is committed to individualizing return to work programs based around the individual's physical capabilities and will review all task assignments regularly to ensure duties are appropriate.

We are committed to early return to work and recognize that it speeds up the recovery process and reduces the likelihood of permanent disability. Employees are expected to show the same commitment to the program by following the Return to Work Policy and all guidelines of the Return to Work Program. The Return to Work Program requires a team approach, so employees are expected to cooperate with the management team, supervisors and medical staff should they ever become injured and unable to perform their full job duties.

Prior to working on any job site, each employee is expected to have read the entire Return to Work Policy, which includes the following sections:

- Purpose
- Scope
- Definitions
- Goals
- Roles and Responsibilities
- Procedures

If you have any uncertainty or questions regarding the content of these policies, you are required to consult your supervisor. This should be done prior to signing and agreeing to the Return to Work Policy.

I am aware of and have read the Jordan District School's Return to Work Policy, and I understand the requirements and expectations of me as an employee. Should I become injured or ill and unable to carry out my regular duties, whether it happens inside or outside the workplace, I fully recognize Jordan School District's expectations of me during my recovery.

I understand that if I choose not to participate in the Return to Work Program or follow this policy's guidelines, I may become ineligible for state worker's compensation benefits and, in some cases, my refusal may be grounds for termination.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX B**

**Return to Work Letter to Employee**

[Insert employee name and address]

RE: [Insert name]  
Return to Work  
[Insert date of injury]

Dear [Insert employee name],

As per our recent conversation, [insert physician's name] released you to return to modified duty work. Modified duties are available for you starting on [insert day of week], [insert date]. We expect you to begin work at [insert time]. Please report to [insert supervisor's name] in the [insert department].

During modified duty, your hours will be from [insert start time] to [insert end time] each day for a total of [number] of hours per week. Your wage will be \$[insert amount] per hour while you are on light duty work. We will coordinate your worker's compensation benefits with your wages for the hours that you work.

It is important to recognize that, as it states in Jordan School District's Return to Work Policy, you may jeopardize our workers' compensation benefits if you fail to report to modified duty work. Please contact me immediately if you have any questions, concerns or problems with these requirements.

Sincerely,

[Insert Supervisor name]  
[Insert Supervisor title]

**APPENDIX C**

**Temporary, Transitional Work Job Agreement Letter**

My doctor has advised me that my physical activities at work are to be restricted on a temporary basis on my return to work for Jordan District Schools. I understand that these physical limitations are as follows:

By cosigning this agreement with me, my Manager/Supervisor acknowledges the above temporary restrictions and is able to temporarily modify my usual job or provide temporary alternative work for me as long as I continue with medical treatment. When my doctor assesses maximum medical improvement, any permanent restrictions imposed by my doctor will be used to evaluate my ability to meet the essential functions of my regular job.

I understand that it is my personal responsibility to follow my doctor's restrictions at all times, on the job and off. Therefore, if I am asked to perform a task at work which is outside the restrictions outlined above, I must notify my Manager/Supervisor immediately.

This agreement is in effect until \_\_\_\_\_, at which time I will return to Dr. \_\_\_\_\_ for recheck. After my appointment I will return to the District Office/RTW Coordinator with an updated list of restrictions or a full medical release.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Treating Physician Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Manager/Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX D**

**Temporary, Transitional Work**

**APPENDIX E**

**Return to Work Capabilities Form to be Completed by Physician**

Patient Name: \_\_\_\_\_

Physician Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **730 DATA REQUEST POLICY FOR PUBLIC DATA**

### **I. PURPOSE**

The purpose of this policy is to set forth the procedure regarding a public request to inspect or obtain public data and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

### **II. DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. Nothing in this policy shall be interpreted to contradict any other school district policy.

### **III. RIGHT TO ACCESS PUBLIC DATA**

All data collected, created, received, maintained or disseminated by the school district, which is classified by state statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district in this policy.

### **IV. MAKING A DATA REQUEST**

To inspect data or request copies of public data in the school district's possession, a person should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official or designee described in Attachment C. The school district reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

### **V. PROCESSING A REQUEST**

Upon receipt of a written request, the school district will process it within a reasonable time, depending upon the nature and volume of the request. If the response to a request will take longer than fifteen (15) business days and the requester has provided contact information, the school district may notify the person of the approximate amount of time it will take to process the request.

- If it is unclear what data the individual is requesting, the school district will seek clarification.

- If the school district does not have the data, it will notify the person in writing as soon as reasonably possible.
- If the school district has the data, and the data may lawfully be disclosed to the person, the school district will respond to the request by doing one of the following:
  - o Arrange a date, time, and place for the person to inspect the data without cost to the person, or
  - o Provide the person with copies of the data. The person may choose to pick up the copies, or the school district will mail or fax copies of the data to the person. The school district will provide electronic copies (such as e-mail), only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copy charges is included on Attachment B.
  - o Upon request, the school district will inform the requester as to the meaning of any data disclosed pursuant to this policy.
- If the school district determines that the requested data is classified so as to deny the requesting person access, the school district shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.
  - o Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires the school district to create data; collect new data; or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

## **Attachment A**

### **Copy Costs -Public Requests**

The school district charges members of the public for copies of government data as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). A member of the public must pay for the copies before the school district will provide the copies.

For 100 or Fewer Paper Black and White Copies-\$.25 per Page

The charge for 100 or fewer pages of black and white, letter or legal size paper copies, is \$.25 for a one-sided copy and \$.50 for a two-sided copy.

More than 100 Paper Black and White Copies or Other Types of Copies-Actual Cost

The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

The school district charges the actual cost of preparing summary data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals.

In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials (paper, DVD, etc.), and mailing costs (if any). If the request is for copies of data that the school district cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

If the request involves copies of public data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the school district, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charged must relate to the actual development costs of the information. The responsible authority, upon the request, shall provide sufficient documentation to explain and justify the fee being charged.

**Attachment B**

**Data Request Form -Requests for Public DATA**

**Date of request:** \_\_\_\_\_

**Method of Access to Data:**

(note: inspection is free but there is a charge for copies)

Inspection       Copies       Both (inspection and copies)

**Description of Requested Information:**

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.

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**Contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

You do not have to provide any of the above contact information. However, if you want the school district to mail or e-mail you copies of data, the school district will need some contact information. In addition, failure to provide contact information could delay the processing of your request. If the school district does not understand your request and needs to get clarification from you, without contact information, the school district may not be able to process all, or a portion of, your request until you contact the school district again.

## Attachment C

### Responsible Authorities

Type of Data Requested	Name	Position	Address	Fax Number
General Public Data		Superintendent		
Public Financial Data		Director of Business Services		
Public Personnel Data		Director of Human Resources		
Public Data - [School Name]		Building Principal		

[The above categories are meant as examples. School districts should designate as many or as few responsible authorities as necessary to ensure that all data requests are responded to in a reasonable fashion.]

First Reading: 5/20/14  
Second Reading: 6/17/14  
Adopted: 6/17/14

## **731 DATA REQUEST POLICY FOR SUBJECTS OF DATA**

### **I. PURPOSE**

The purpose of this policy is to set forth the procedure for an employee or other individual to inspect or obtain data about that individual or that individual's minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

### **II. DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Minnesota Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other school district policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

### **III. RIGHT TO ACCESS DATA**

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed guardian is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this and informed of its meaning, the school district need not disclose the data to that individual for six months unless additional data on the individual has been collected or created.

### **IV. MAKING A DATA REQUEST**

To inspect data or request copies of data on the individual that are in the school district's possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official described in Attachment C. The school district reserves the right to accept verbal requests for data, or reduce verbal requests to writing, at its sole discretion.

## V. PROCESSING A REQUEST

The school district will respond to a written request submitted pursuant to this policy immediately, if possible, and within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

- If it is unclear what data the individual is requesting, the school district will seek clarification.
- If the school district does not have the requested data, it will notify the individual in writing as soon as reasonably possible.
- If the school district has the requested data, and the data may lawfully be disclosed to the individual, the school district will respond to the request by doing one of the following:
  - o Arrange a date, time, and place for the individual to inspect the data without cost to the individual, or
  - o Provide the individual with copies of the data. The individual may choose to pick up the copies, or the school district will mail or fax copies of the data to the individual. The school district will provide electronic copies (such as e-mail), only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copying charges is included on Attachment B.
- If the school district determines that the requested data is classified so as to deny the requesting person access, the school district shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.
  - o Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires the school district to create data; collect new data; or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

## **VI. IDENTIFICATION**

The school district reserves the right to require that an individual requesting private data on the individual or the individual's minor child provide valid photo identification at the time that the data is requested or provided.

The school district will not disclose private data on anyone other than the individual requesting data or that individual's minor child without receiving a valid release signed by the subject of the data.

## **VII. RIGHTS OF DATA SUBJECTS**

### **A. Challenging Inaccurate or Incomplete Data**

Consistent with the MGDPA, any person who believes that information contained in the school district's records regarding that individual, the individual's minor child, or person over whom the individual has been appointed legal guardian is inaccurate or incomplete may request that the school district amend those records. To exercise this right, the individual must notify the responsible authority described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the school district will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the school district will amend its records.

### **B. Information Provided When Data is Requested by the School District**

Consistent with the MGDPA and other applicable law, certain circumstances may require the school district to notify an individual who is asked to provide the school district with private or confidential data concerning that individual of the ways in which the school district can use the data collected.

### **C. Other Rights of Data Subjects**

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals who are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes, Section 13.04.

## Attachment A

### Copy Costs-Data on Individuals

The school district charges individuals for copies as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The individual must pay for the copies before the school district will provide the copies.

#### For 100 or Fewer Paper Black and White Copies-\$.25 per Page

The charge for 100 or fewer pages of black and white, letter or legal size paper copies, is \$.25 for a one-sided copy and \$.50 for a two-sided copy.

#### More than 100 Paper Black and White Copies or Other Types of Copies-Actual Cost

The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data. In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials (paper, DVD, etc.), and mailing costs (if any). If the request is for copies of data that the school district cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

**Attachment B**

**Data Request Form -Requests for Data on Individuals**

**Date of request:** \_\_\_\_\_

**Method of Access to Data:**

(note: inspection is free but there is a charge for copies)

Inspection       Copies       Both (inspection and copies)

**Description of Requested Information:**

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.

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**Contact Information:**

Name: \_ \_ \_ \_ \_

Address: \_ \_ \_ \_ \_

Phone number: \_ \_ \_ \_ \_

Email address: \_ \_ \_ \_ \_

**Verification of Identity:**    Driver's License                    \_\_\_\_\_  
   Other Photo Identification    \_\_\_\_\_  
   Personal Knowledge            \_\_\_\_\_  
   Photo Identification and  
   Proof of Relationship (required for requests for data on  
   minors)                                    \_\_\_\_\_

Responsible Authority or Designee Signature: \_\_\_\_\_

## Attachment C

### Responsible Authorities

Type of Data Requested	Name	Position	Address	Fax Number
Human Resources and Personnel Data		Director of Human Resources		
Student Cumulative File		Superintendent		
Student Disciplinary Records- [School Name]		Building Principal		
Student Special Education Records		Director of Special Education		

[The above categories are meant as examples. School districts should designate as many or as few responsible authorities as necessary to ensure that all data requests are responded to in a reasonable fashion.]

First Reading: 5/20/14  
 Second Reading: 6/17/14  
 Adopted: 6/17/14

**JORDAN DISTRICT SCHOOLS  
POLICY**

*Adopted: September 12, 2007*

*Revised: February 9, 2015*

**515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

**III. DEFINITIONS**

A. Authorized Representative

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

B. Biometric Record

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

C. 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.

D. Directory Information

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

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

E. Education Records

1. What constitutes “education records.” Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, “education records,” does not include:

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

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
  - (1) made 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;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's

choice. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student.

F. Eligible Student

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

G. Juvenile Justice System

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

H. Legitimate Educational Interest

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

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

I. Parent

“Parent” means a parent of a student and includes a biological parent/adoptive parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

J. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

K. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

L. Responsible Authority

“Responsible authority” means building principal.

M. Student

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

N. School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her 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.

O. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither

their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

P. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

**IV. GENERAL CLASSIFICATION**

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

**V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

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

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the 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. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

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

4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
  
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.
  
6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the

consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United

States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;

5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers.

7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by

individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or 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), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the

school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, 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 XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent 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;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent 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;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the

student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and

Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 450b of Title 25), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

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 of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

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

## **VII. RELEASE OF DIRECTORY INFORMATION**

A. Classification

Directory information is public except as provided herein.

B. Former Students

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

C. Present Students and Parents

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent’s or eligible student’s right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent 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 as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student

to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or

- b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

## VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in 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 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 Parent

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

## **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

### **A. Confidential Records**

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

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

Pursuant to Minn. Stat. § 626.556, 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. 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.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

### **C. Investigative Data**

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.

4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative 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.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND/OR 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/or 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/or post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and/or post-secondary educational institutions, a parent or eligible student must notify the responsible authority (School Counselor) in writing by October 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/or 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/or 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/or 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/or 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/or post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

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

### **B. Redisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, 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 XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

### **C. Classification of Disclosed Data**

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

### **D. Notification**

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

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

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

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

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

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

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

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

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

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

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to

other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.

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

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

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to

inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor

believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.

2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

**B. Right to a Hearing**

If the 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. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
  - b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that 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, 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 individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

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

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means the Superintendent.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in

writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

**B. Content of Complaint**

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

**XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. 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.

**XIX. ANNUAL NOTIFICATION OF RIGHTS**

**A. Contents of Notice**

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school

in which a student seeks or intends to enroll 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. Notification to Parents of Students Having a Primary Home Language Other Than English

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.

C. Notification to Parents or Eligible Students Who are Disabled

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

**XX. DESTRUCTION AND RETENTION OF RECORDS**

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

**XXI. COPIES OF POLICY**

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

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. 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. § 363A.42 (Public Records; Accessibility)  
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)

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:*** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect  
or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside  
Agencies)  
MSBA/MASA Model Policy 520 (Student Surveys)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 906 (Community Notification of Predatory  
Offenders)  
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School  
Records – Privacy – Access to Data)

## PUBLIC NOTICE

Independent School District No. 717 gives notice to parents of students currently in attendance in the District, and eligible students currently in attendance in the District, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:
  - a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the school district. A parent or eligible student should submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
  - b. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy rights. A parent or eligible student may ask the school district to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading, or in violation of the privacy rights of the student, shall state the reason for this belief, and shall specify the correction the parent or eligible student wishes the school district to make. The request shall be signed by the parent or eligible student. If the school district decides not to amend the record as requested by the parent or eligible student, the school district will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
  - c. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosures without consent;
  - d. That the school district may disclose education records to other school officials within the school district if the school district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with

whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a “legitimate educational interest” if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare and the ability to respond to a request for educational data;

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

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

- g. That copies of the school district’s policy regarding the protection and privacy of school records are located at the 717 District Office.
- 3. Copies of the school board policy and accompanying procedures and regulations are available to parents and students upon written request to the Superintendent.
  - 4. Pursuant to applicable law, Independent School District No. 717 gives notice to parents of students currently in attendance in the school district, and eligible students currently in attendance in the school district, of their rights regarding “directory information.”

“Directory information” includes the following information relating to a student: the student’s name; address; telephone number; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; the most recent educational agency or institution attended by the student; and other similar information. “Directory information” also includes the name, address, and telephone number of the student’s parent(s). “Directory information” does not include a student’s social security number or a student’s identification number (ID) if the ID may be used to access education records without use of one or more factors that authenticate the student’s identity such as a personal identification number, password, or other factor known or possessed only by the authorized user. It also does not include identifying information on a student’s religion, race, color, social position, or nationality.

- a. The information listed above shall be public information which the school district may disclose from the education records of a student or information regarding a parent.
  - b. Should the parent of a student or the student so desire, any or all of the listed information will not be disclosed without the parent’s or eligible student’s prior written consent except to school officials as provided under federal law.
  - c. In order to make any or all of the directory information listed above “private” (i.e., subject to consent prior to disclosure), the parent or eligible student must make a written request to the building principal within thirty (30) days after the date of the last publication of this notice. This written request must include the following information:
    - (1) name of student and parent, as appropriate;
    - (2) home address;
    - (3) school presently attended by student;
    - (4) parent’s legal relationship to student, if applicable;
    - (5) specific category or categories of directory information which is not to be made public without the parent’s or eligible student’s prior written consent.
5. Pursuant to applicable law, Independent School District No. 717 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The school district must 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. Data released to military recruiting officers under this provision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

Should the parent of a student or the eligible student so desire, any or all of the listed information will not be disclosed to military recruiting officers and post-secondary educational institutions without prior consent.

In order to refuse the release of this information without prior consent, the parent or eligible student must make a written request to the responsible authority, building principal, by October 1 each year. This written request must include the following information:

- (1) name of student and parent, as appropriate;
- (2) home address;
- (3) student's grade level;
- (4) school presently attended by student;
- (5) parent's legal relationship to student, if applicable;
- (6) specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions without prior consent;
- (7) specific category or categories of directory information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.

INDEPENDENT SCHOOL DISTRICT NO. 717  
JORDAN, MINNESOTA

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

\_\_\_\_\_  
Chair

**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.

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Signature/Title