

## **POLICY 515 PROTECTION AND PRIVACY OF EDUCATION RECORDS AND DATA**

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I. **PURPOSE:** The purpose of this policy is to ensure compliance with state and federal privacy laws applicable to student records and data; help maintain the privacy rights of students; and to guide and support school officials in the proper use and dissemination of student records and data.

### II. GENERAL STATEMENT

- A. Educational records and data will be maintained on all students enrolled in or through the school district as required by State/Federal statute, law, rule, or regulation and as specified in Procedure 515 - Protection and Privacy of Education Records. These records will be maintained for the purpose of enforcing school district policies, meeting the school district's obligations under the law, and aiding each student in the educational process.
- B. District policy, procedures and practices on collection, security, and release of student records and data must comply with the provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99), the Minnesota Government Data Practices Act (M.S. Ch. 13 and MN Rules Part 1205, the Confidentiality of Information Section of the Individuals with Disabilities Education Act (34 C.F.R. Parts 300.610 -.627), the Health Insurance Portability and Accountability Act (HIPPA) (45 CFR Parts 160, 162 and 164) and the Records Retention Act (M.S. 138.17).
- C. The superintendent is designated the "responsible authority" and they or their designee(s) are responsible for overseeing the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.
- D. To ensure sufficient data protection the responsible authority must (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.

### III. PRIVACY OF EDUCATIONAL RECORDS AND DATA

- A. Educational records and data collected, maintained or disseminated by the district is private data on individuals and shall not be disclosed except as provided for under state and federal law.
- B. Notwithstanding Paragraph III A, the following data concerning students is deemed "directory information" and is considered public data that can be released to the general public without prior consent of a student's parent(s) or an eligible student (i.e. reached 18 years of age or is attending institution of post-secondary education):
  - 1. Student's and parent's name(s);
  - 2. Student's school of attendance;
  - 3. Student's dates of school attendance;
  - 4. Student's grade level (e.g., first grade, tenth grade, etc.);
  - 5. Student's awards and degrees;
  - 6. Student's participation in officially recognized activities/sports;
  - 7. Student's height and weight, if a member of an athletic team;

8. Student's photograph, including audio or video image of the student; participation in school-related activities or events; or
  9. Information regarding a student stated/written in-district or school publications (e.g. yearbooks, newspapers and webpages) that would not be objectively viewed as harmful or an invasion of privacy if disclosed.
- C. In addition to the information available to the general public listed in Paragraph III B, the following information is considered "limited directory information" and may be released as follows:
1. Parents of enrolled students may be provided a list of the names of other students in the classes, to which the student is assigned;
  2. Parents of a student or the student may be provided the classroom photographs of classes in the student's school;
  3. Mailing addresses and email addresses of parents and students may be provided under the following limited circumstances:
    - i. If the address information is requested by a community organization, elected representative, or commercial memorabilia company authorized by the district for the purpose of recognizing a student's award or achievement and the requester of the data agrees not to forward or redistribute the information to other persons or entities;
    - ii. If the address information is sought by a school or community organization for the purposes of informing parents or students about a school referendum or ballot question involving the district and the organization agrees not to forward or redistribute the information to other persons or entities;
- D. A parent/guardian of a student or an eligible student may object to the directory or limited directory information listed in Paragraphs III B or C being disclosed without the parent/guardian or eligible student's prior written consent except as provided under federal and state law. In order to make directory or limited directory information private, the parent/guardian or eligible student must submit a completed Denial of Release of Directory Information to the building principal or superintendent of the district.

Policy Revised: 5/21/19  
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Policy Revised: 2/1/94  
Policy 515 Adopted 9/2/03 (Formerly Policy 5710)  
Policy Revised: 2/4/86  
Policy Adopted: 3/5/75

Cross Reference:

Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse  
Policy 506 - Student Discipline  
Policy 519 - Interviews of Students by Outside Agencies  
Policy 541 - Chemical Use/Abuse  
Policy 925 - Internet (World Wide Web) and Intranet Publishing