

PROCEDURE 515 - PROTECTION AND PRIVACY OF EDUCATION RECORDS

I. Definitions

A. Records

Any information or data recorded in any way including, but not limited to, handwriting, print, computer or electronic media, video or audio recording, film, microfilm and microfiche.

B. Education Records

1. Education Records mean those records which:

- a. Are directly related to a student; and
- b. Are maintained by the school district or by a party acting for the school district.

2. Not included in this definition of education records are the following:

- a. Records of instructional personnel which are in the sole possession of the maker thereof, are used only as a memory aid, are not accessible or revealed to any other individual except a temporary substitute for the maker of the record, and 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 will not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her 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.

C. Student

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.

D. Student name which is used on the permanent school record

That name which is legally recorded.

E. Parent

A natural parent, a guardian, or an individual acting in place of a parent of a student in the absence of a parent or guardian. The school district may presume the parent or guardian 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.

F. Eligible Student

A student who has reached the age of eighteen (legal adulthood) or who is attending an institution of post-secondary education.

G. Dependent Student

A dependent student is an individual who during each of the five (5) calendar months during the calendar year in which the taxable year of the parent or guardian begins:

1. is a full-time student at an educational institution; or

2. is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state of political subdivision of the state.

H. School Official

Qualifying Positions:

1. A person employed or contracted by the school district in an administrative, supervisory, instructional, or other professional position.
2. A person employed or contracted by the school district in a managerial, clerical, operational, police liaison (while acting in the capacity of a liaison officer), student support, or paraprofessional position.
3. A person employed or contracted by the school district to perform a specific task or function, such as an attorney, auditor, public information officer or data practices compliance official, or consultant, for the period of his/her performance as an employee or contractor.
4. A person employed by the school district as a substitute in any qualifying position contained herein for the period of his/her performance as a substitute.
5. A person duly elected to the School Board.
6. A person serving as a member of the Student Attendance Review Board (SARB) for the period of his/her membership.

I. Legitimate Educational Interest (Need-to-Know)

Interest (need-to-know) by a school official in educational records directly related to classroom instruction, teaching, programming, learning readiness, student achievement and progress, student discipline or conduct, student health and welfare, and the ability to respond to a request for education records, including records:

1. Relevant to the performance of projects and/or tasks necessary to the school official's particular position description, employment, contract agreement or as assigned by the school district;
2. Necessary to perform a supervisory or instructional task directly related to the student;
3. Necessary to perform a service or benefit for the student or the student's family including, but not limited to, health care, counseling, student job placement or student financial aid;
4. Necessary to perform a task directly related to responding to a request for education records; or

5. Necessary to provide appropriate intervention, verification of actions and services with respect to truant students and their families (M.S. 260.A.05).
- J. Directory Information
1. 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:
 - a. The student's name
 - b. Address
 - c. Date of birth
 - d. School of attendance
 - e. Dates of attendance
 - f. Grades completed
 - g. Degrees and awards received
 - h. Participation in officially recognized activities and sports, and
 - i. Height and weight of members of athletic teams
 - j. The student's photograph
 2. Directory information does not include personally identifiable data which references religion, race, color, social position or nationality.
 3. Data collected from nonpublic school students, other than those who receive shared time educational services, shall not be designated as directory information unless written consent is given by the student's parent or guardian.
- K. 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 district. The term does not include specific daily records of a student's attendance at a school or schools in the district.
- L. Juvenile Justice System
- Includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
- M. Protected Nonpublic Data
- Data not on individuals which is made by statute or federal law applicable to the data:
1. Not public and
 2. Not accessible to the subject of the data.
- N. Personally Identifiable
- Data or information that includes, but is not limited to:

1. A student's name
 2. The name of the student's parent or guardian or other family member(s).
 3. The address of the student or student's family.
 4. A personal identifier such as the student's social security number or a student number.
 5. A list of personal characteristics that would make the student's identity easily traceable; or
 6. Other information that would make the student's identity easily traceable.
- O. Responsible Authority
The Superintendent, or designee, is the individual responsible for the collection, use, and dissemination of data.
- P. Summary Data
Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.
- Q. Military Recruitment Data
Name, address, and home telephone number of secondary students in grades 11 and 12.
- R. Data Practices Compliance Official
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. The school district's Data Practices Compliance Official is the Superintendent or designee.
- S. Other Terms and Phrases
All other terms and phrases will be defined in accordance with applicable state and federal law or ordinary and customary usage.
- II. Classification of Education Records
Education records may be classified as public, private, or confidential data as defined here.
- A. Public Data
Data on individual students which is accessible to the public.

B. Private Data

Data on an individual student which is not accessible to the public but is accessible to the individual student subject of the data. This includes, but is not limited to:

1. Data in students' individual records is private data except for that information which has been designated as directory information and for which a denial of release of directory information has not been submitted.
2. Private data may include information which will be destroyed according to the school district Record Retention Schedule.
3. Chemical Abuse Violation forms (Policy 541 — Chemical Use/Abuse) are private data.

C. Confidential Data

Data which state statute or federal law has declared not public and not accessible to the student and/or his/her parent or guardian and includes, but is not limited to:

1. Reports of child abuse and neglect are confidential as designated in state statute and federal law.
2. Individual student data received from outside agencies which they have classified as confidential will be treated as such by the school district only when expressly classified as confidential by either a state statute or federal law.
3. Chemical abuse data collected by a licensed alcohol and drug counselor are confidential.
4. Active investigative data.

III. Notification of Rights

A. Rights of Parents and Eligible Students

1. Tennessean Notice:

Whenever an individual student or the parent or guardian of a minor child is asked to supply information that is classified as private or confidential concerning themselves, a notice of rights (Tennessean Notice) will be given by staff collecting the information as provided in the Minnesota Government Data Practices Act (M.S. 13.04, subd. 2).

a. Contents of Notification

- 1) The purpose and intended use of the data within the school system;

- 2) Whether the individual may refuse or is legally required to supply the requested data;
 - 3) Any known consequence arising from supplying or refusing to supply private or confidential data; and
 - 4) The identity of other persons or entities authorized by state or federal law to receive the data.
2. The right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
 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 authorize disclosure without consent;
 4. 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 and the procedure for requesting amendment of records;
 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 notice of 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;
 7. The right to refuse release of 11th and 12th grade students' names, addresses and home telephone numbers to military recruiting officers;
 8. The right to be informed about rights under the federal law; and
 9. The right to obtain a copy of this policy and procedure from the school district administrative offices.

B. Eligible Students

All rights and protections given parents or guardians under this procedure 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 or guardians 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.

C. Notification of Parents Having a Primary Home Language Other than English.

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

D. Notification to Parents or Eligible Students Who are Disabled.

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

IV. Access to Education Records

A. Release of Directory Information

1. As designee of the Superintendent, Principals will annually give official notice to parents or guardians and eligible students that directory information will be disclosed without their prior written consent unless prior denial of disclosure has been received (see Appendices B, C, and D).
2. The official notice will:
 - a. List the types of data identified as directory information.
 - b. Inform parents or guardians and eligible students of their right to refuse to permit the disclosure of personally identifiable information.
 - c. Inform parents or guardians and eligible students of the timeline and procedure for informing the school district that they do not want directory information released.
3. Requests for directory information are to be submitted in writing to the Coordinator of Information Systems.
4. The designation of directory information about a student as private will remain in effect for one year or until it is modified by the written direction of the student's parent or guardian or the eligible student, whichever occurs first.
5. Unless a former student affirmatively opted out of the release of directory information in his or her last year of attendance, the school district may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the school district without meeting the official notice requirements of this section. In addition, 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 district.

B. Disclosure of Data to Military Recruitment Officers

1. The school district will release the names, addresses, and home telephone numbers of secondary students in grades 11 and 12 to military recruiting officers within 60 days after the date of the request unless a parent or

guardian, or eligible student has refused in writing to release this data to military recruiters pursuant to subparagraph 3 below.

2. Data released to military recruiting officers under this provision:
 - a. 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
 - b. Cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
3. A parent or guardian, or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or guardian, or eligible student must notify the Responsible Authority or designee, in writing, by October 1 of each year using Denial of Release of Information to Military Recruiters (Appendix D) attached to this procedure.
4. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents or guardians, and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of secondary students without prior consent.
5. A parent or guardian, or eligible student's refusal to release the above information to military recruiting officers does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers. In order to make any directory information about a student private, the procedures contained in the Release of Directory Information section of this procedure 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 guardian, or eligible student not to release such data, this information will be accessible to members of the public, including military recruiting officers.

C. Private Data

1. Release of Private Data with Written Consent
 - a. Third parties, except those identified in 2, below, will not have access to private data without the informed, written consent of the parent or guardian, or eligible student.
 - b. The written consent form for release of private information to another individual or entity (Appendix E, or for students receiving special

education services, the Consent to Release Private Data form) must specify the category(ies) of data to be released, the purpose, and to whom the authorization is directed and to whom information is to be released, and must be signed and dated by the parent or guardian or eligible student and include an expiration date.

- c. A signed and dated written consent may include a record and signature in electronic form that:
 - 1. identifies and authenticates a particular person as the sources of the electronic consent; and
 - 2. indicates such person's approval of the information contained in the electronic consent.
- d. 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 or guardian of the student will thereafter only be required of the eligible student, except when the eligible student is also a dependent student.
- e. When disclosure is made under this subdivision:
 - 1) If the parent or guardian, or eligible student so requests, the school district will provide him/her with a copy of the records disclosed; and
 - 2) If the parent or guardian, of a student who is not an eligible student so requests, the school district will provide the student with a copy of the records disclosed.

2. Release of Private Data without Written Consent

Access to private data without written consent may be given by the Responsible Authority or his/her designee as provided in subparagraphs a–s, as follows:

- a. The student (subject of the data) or the parent or guardian of the student:
 - 1) If under age eighteen or
 - 2) If the eligible student is also a dependent student.
- b. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records.
- c. Officials of other schools or school districts in which the student seeks or intends to enroll. The records will include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information

pursuant to section 4155 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 M.S. 260B.171, unless the data are required to be destroyed under M.S. 120A.22, subd. 7(c) or M.S. 121A.75. Upon request, the school district will provide the parent or guardian, 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 this Procedure.

- d. 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.
- e. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - 1. Determine eligibility for the aid.
 - 2. Determine the amount of the aid.
 - 3. Determine conditions for the aid; or
 - 4. 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 the educational agency or institution.
- f. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - 1. Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile system and such system's ability to effectively serve the student whose records are released; or
 - 2. 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 or guardian of the student. At a minimum, the school district will disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' or guardians' names, home addresses, and telephone numbers.

- g. 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 guardians, or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five years.
- h. To accrediting organizations in order to carry out their accrediting functions.
- i. 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 guardian or eligible student of the order or subpoena in advance of compliance therewith so that the parent or guardian, 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. In addition, if the school district initiates legal action against a parent or guardian, 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 guardian, 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.

- j. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student.
- k. 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.
- l. Information the school district has designated as "directory information" pursuant to the Release of Directory Information section of this policy.
- m. To military recruiting officers pursuant to the Disclosure of Data to Military Recruitment Officers section of this policy.
- n. 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.
- o. 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.
- p. To the juvenile justice system, upon 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 or guardian of the student:

- 1) 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; any parents' or guardians' names, home addresses, and telephone numbers.
- 2) The existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student:
 - a) Use of a controlled substance, alcohol or tobacco;
 - b) Assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act;
 - c) Possession or use of weapons or look-alike weapons;
 - d) Theft; or
 - e) 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 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.

- q. 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

M.S. 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 must also notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the Principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The Principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the Principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the Principal must 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.

- r. To the Principal where the student attends if it is information from a peace officer record of children received by a superintendent under M.S. 260B.171, subd. 5. The Principal must place the information in the student's educational 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 notice. Peace officer 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 record from the student's educational record, destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute or volunteer who received information from the peace officer 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.

- s. Information obtained by the school district from law enforcement, pursuant to M.S. 244.052, about a student who is required to register as a sexual offender.

3. 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 or guardian of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- a. Pursuant to a valid court order;
- b. Pursuant to a statute specifically authorizing access to the private data; or
- c. 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.

4. Limitations on Disclosure and Re-disclosure

- a. A student under the age of eighteen (18) may request in writing that the school or school district withhold data from the student's parent or guardian. The request must be made in writing, set forth the reasons for denying access to the parent or guardian, and be signed by the

student. Upon receipt of the written request, the Responsible Authority or the Principal will determine whether honoring the request to deny parental access is in the best interest of the student data subject. In making this determination, the Responsible Authority or the Principal must consider the following factors:

- 1) Whether the student is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access.
 - 2) Whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm.
 - 3) Whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate.
 - 4) Whether the data in question is of such a nature that disclosure of it to the parent or guardian may lead to physical or emotional harm to the minor data subject, and
 - 5) Whether the data concerns medical, dental or other health services provided pursuant to M.S. 144.341 to 144.347, in which case the data may be released only if the failure to inform the parent or guardian would seriously jeopardize the health of the minor.
- b. Oral disclosures (discussion) of the private data in an educational record is governed by this Policy 515 — Protection and Privacy of Education Records in the same manner as written/printed data.
- c. Private data from a student's record will be disclosed only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent or guardian or of 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.
- 1) The school district may disclose personally identifiable information under the Private Data section of this Procedure with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

- a) The disclosures meet the requirements of the Private Data section of this procedure; and
 - b) The school district has complied with the record keeping requirements of the Record Security and Record Keeping section of this procedure.
- 2) The limitations on re-disclosure provided for above do 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 guardian, or student, or to parents or guardians of dependent students.
- d. Except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the Release of Directory Information section of this procedure, or disclosures to a parent or guardian, or student, the school district will inform the party to whom a disclosure is made of the requirements set forth herein. In the event that the Family Policy Compliance Office determines that a third party improperly re-discloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.
- e. Persons conducting educational research will do so in such a manner as to prevent the personal identification of students or their parent or guardian by persons other than the researchers. Such information will be destroyed in accordance with institutional guidelines for retention of research data.
- f. Students will not be entitled to access private data concerning financial records and statements of the student's parent(s) or guardian(s) or any information contained therein.

5. Classification of Disclosed Data

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

D. Confidential Data

- 1. Records designated as confidential by state statute and federal law, such as those relating to child abuse and neglect, are not included in the cumulative record. These records will be kept by the building administrator in a private and secure file.

2. School district staff responsible for dealing with student chemical abuse issues are subject to the Federal Confidentiality of Alcohol and Drug Abuse Records Law (Confidentiality Law 42CFR, Part II). Secondary students must be informed of rights and requested to sign a Confidentiality Information Form (Appendix F) before specific information can be released. These forms will be stored in a secure location separate from student cumulative records.
3. In accordance with M.S. 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child will be accessible only to the appropriate welfare agency, law enforcement agency, or the Minnesota Department of Education. With respect to other parties, such data will be confidential and will not be made available to the parent or guardian, 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 M.S. 626.556, subd. 11.
4. 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.
 - a. 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 aide the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
 - b. A complainant has access to a statement he or she provided to the school district.
 - c. A parent or guardian or an eligible student has 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 M.S. 13.393.
 - d. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court

record will be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

- 1) 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;
 - 2) The expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
 - 3) The exhaustion or expiration of rights of appeal by either party to the civil legal action.
- e. A "pending civil legal action" for the purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

E. Record Security and Recording Keeping

1. Record Security

The Principal of each school, subject to the supervision and control of the Responsible Authority, will be the records manager of the school, and will have the duty of maintaining and securing the privacy and/or confidentiality of student records.

a. Plan for Securing Education Records

The building Principal will submit to the Responsible Authority a written plan for securing student records by September 1 of each school year.

The written plan will contain the following information:

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

b. Review of Written Plan for Securing Student Records

The Responsible Authority or designee will review the plans submitted for compliance with the law, this policy and procedure and the various administrative policies of the school district.

2. Record Keeping

- a. Each Principal will maintain a record of each request for access to, and each disclosure of, personally identifiable information from each student's record in accordance with applicable state or federal law. The

documentation record will include the name of the requesting part(ies), date, and legitimate interest of the requesting party in obtaining the information. This record will be kept as long as the educational records are maintained.

- b. The record keeping requirement set out in paragraph D.2. above does not apply when the requesting party is a:
 - 1) Parent/guardian or eligible student.
 - 2) School official within the student's school district with a legitimate educational interest.
 - 3) Party with written consent from the parent or guardian or eligible student.
 - 4) Party seeking directory information.
 - 5) Party seeking or receiving records as directed by a Federal grand jury or other law enforcement subpoena and the court issuing the subpoena has ordered that the existence of the contents of the subpoena or the information provided in response to the subpoena not be disclosed.
 - c. The record of requests of disclosures may be inspected by:
 - 1) The parent or guardian of the student or the eligible student.
 - 2) The school official or his or her assistants who are responsible for the custody of the records; and
 - 3) The parties authorized by law to audit the record-keeping procedures of the school district.
 - d. In the event the school district discloses personally identifiable information from an education record of a student under subparagraph IV.C.3.c. of this procedure knowing that the information will be re-disclosed, the record of disclosure provided under this section will also include the names of the additional parties to which the receiving party may disclose the information on behalf of the school district; and the legitimate interest which each of the additional parties has in requesting or obtaining the information.
3. Forms for Release, Access to, or Correction of Student Records
- The school district utilizes the following forms which are attached and made part of this Procedure:
- a. Statement of Rights (Appendix A).
 - b. Notice of Designation of Directory Information (Appendix B).
 - c. Denial of Release of Directory Information (Appendix C).

- d. Notice to Parents/Guardians and Students Regarding the Release of Information to Military Recruiters (Appendix D).
- e. Authorization of Release of Student Records (SR-3 Appendix E) or, for students receiving special education services, the web-based Consent to Release Private Data.
- f. Consent for the Release of Confidential Information Regarding Alcohol and Drug Abuse Student Records (Appendix F).
- g. Request for Access to Records (SR-4 Appendix G);
- h. Request for Correction to be made in the Student Record (Appendix H).
- i. Retention of Test Protocols (Appendix I).
- j. Authorization to Release and Obtain Private Data (HIPAA) (Appendix J).

V. Right to Inspect and Review Education Records

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

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

- B. Response to Request for Access

The school district will respond to any request 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 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 guardian, or eligible student from exercising the right to inspect and review the education records, the school district will provide the parent or guardian, or eligible student with a copy of the records requested, or make other arrangements for the parent or guardian, or eligible student to inspect and review the requested records.
3. Nothing in this Procedure shall be construed as limiting the frequency of inspection of the educational records of a student with a disability by the

student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students will submit to the school district a written Request for Access to Records (Appendix G) 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 guardian, or eligible student wishes to inspect these records where they are maintained, the school district will attempt to accommodate those wishes. The parent or guardian, or eligible student will be notified of the time and place where the records may be inspected.

F. Records Containing Information on more than one Student

If the education record of a student contains information about other students, the parent(s) or guardian(s) may only inspect, review or be informed of the facts specifically pertaining to their child. (If the request is made by an eligible student, she/he may only inspect, review or be informed of the facts specifically pertaining to her/himself.)

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district will charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district will follow requirements set out in Minnesota Statutes Chapter 13 – Government Data Practices.
2. The cost of providing copies will be borne by the parent or guardian or eligible student.
The Responsible Authority, however, will not impose a fee for a copy of an education record made for a parent or guardian or eligible student if doing so would effectively prevent, or in the case of a student with a disability

would impair, the parent or guardian or eligible student from exercising their right to inspect or review the student's education records.

The school district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee may include postage if that is involved.

VI. Content of the Education Record

Education records consist of standard school district and school forms as well as individual documents, such as written notes from parents or guardians or staff that personally identify a student. The types of records maintained by the school district and the length of time they are retained are listed in the school district's Record Retention Schedule. A copy of the Record Retention Schedule is available from the Data Compliance Official.

VII. Destruction of Records

- A. Responsibility for the destruction of records lies with the Superintendent's designee.
- B. When records are scheduled for destruction pursuant to the school district's Record Retention Schedule, the Superintendent's designee will record all records that have been destroyed. A report of those records destroyed will be provided to the State Historical Society on an annual basis.

VIII. Permanent Storage of Education Records

- A. Responsibility for permanent storage of education records lies with the Superintendent's designee.
- B. When records are received in the designee's office, information designated for permanent retention, as set forth in the school district's Record Retention Schedule, will be microfilmed or digitally copied for storage. If records permanently maintained are to be destroyed, permission to destroy original records will be sought from the State Historical Society. When permission has been granted, the originals will be destroyed.
- C. The microfiche or digital record will be stored in secure files in the designee's office area. Duplicate microfiche will be stored in the vault at Maple Grove Middle School for safety purposes.

IX. Review and Transfer of Records

- A. Toward the close of each school year, the building Principal will designate school officials with a legitimate educational interest to see that the files of students are in order.
- B. When a student moves from one school to another within the school district, the entire record will be checked for completeness and then be forwarded to the student's new school.
- C. When a student withdraws to enroll in another school district, copies of the student's records, including records of disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information and, if applicable, data regarding a student's history of violent behavior will be forwarded to the student's new school. The transferred records also shall include a copy of any probable cause notice or any disposition or court order under M.S. 260B.171, unless the data are required to be destroyed under M.S. 120A.22, subd. 7(c) or M.S. 121A.75. Written permission of the parent or guardian is not necessary in the transfer of records to a school in which the student intends to enroll. The parent or guardian may request a copy of the records transferred and may challenge the content of the transferred records in accordance with X. Request to Amend Records; Procedures to Challenge Data contained in this procedure. In addition, when records of a student receiving Special Education services are requested, copies of the current Individual Education Program and related due process forms will be sent to the school in which the student intends to enroll. The Principal may use discretion in determining the need to send reports and forms from previous years.

X. Request to Amend Records; Procedures to Challenge Data

A. Request to Amend Education Records

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

- 1. The request will be in writing, will identify the item the requester believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, will state the reason for this belief, and will specify the correction the requestor wishes the Principal to make in a Request for Correction to be Made in the Student Record (Appendix H). The request will be signed and dated by the requestor.

2. The Principal will decide within a reasonable period of time but in no event longer than thirty (30) days after receiving the request whether to amend the education records of the student in accordance with the request.
3. If the Principal decides to refuse to amend the education records of the student in accordance with the request, he/she will inform the parent or guardian of the student or the eligible student of the refusal and advise the parent or guardian or eligible student of the right to a hearing under this section.

B. Right to a Hearing

If the Principal refuses to amend the education records of a student, the school district, on request, will provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing will be conducted in accordance with 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 will amend the education records of the student accordingly and so inform the parent or guardian 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 will inform the parent or guardian 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 this section will:
 - 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 will also be disclosed to that party.

C. Conduct of Hearing

1. The hearing will be held within a reasonable period of time after the school district has received the request, and the parent or guardian of the student or the eligible student will be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The School Board attorney will be in attendance to present the School Board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent or guardian of the student or eligible student will be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under 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 will make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision will be based solely on evidence presented at the hearing and will include a summary of evidence and reasons for the decision.

D. Appeal

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

XI. Responsibilities

A. Superintendent

The Superintendent has overall responsibility for education records as the Responsible Authority of the school district and may delegate tasks related to this responsibility to school district employees.

B. Principal

1. The Principal is responsible for compliance with policy requirements regarding the collection, storage, and release of student records of each student enrolled in his/her school, until such time as the records are transferred to another school or to the school district office following withdrawal or graduation of the student.
2. The Principal will distribute a Statement of Rights (Appendix A) prepared by the school district setting forth the rights of the students, the rights of the

parent or guardian and the procedures for access to public and private data in education records.

3. Within the first month of each school year, the Principal will publish a notice to parents or guardians and eligible students of their rights under this Policy 515 — Protection and Privacy of Education Records, the designation of directory information, and the procedure for denying release of directory information. (See Appendices B, C, and D.) As new students enroll during the school year, this information will be included in the enrollment packet.
 4. Building administration will complete Chemical Violation forms for students who are in violation of Policy 541 — Chemical Use/Abuse. These forms will be stored in the student's cumulative record and recorded electronically in the student's discipline file/record.
- C. The Superintendent's designee is responsible for the:
1. Storage and release of records of students who have left the school district or graduated when those records have been transferred to the school district office,
 2. Provision of assistance to the Responsible Authority in the maintenance and interpretation of this Policy and Procedure 515 — Protection and Privacy of Education Records, and
 3. Preparation of the annual Statement of Rights.
- D. The Coordinator of Information Systems is responsible for the storage and release of student data for student accounting purposes and directory information.
- E. The Director of Research, Assessment, Accountability is responsible for the storage and release of student data collected at the school district level for program research and evaluation purposes.
- F. The parties named above will provide locked files, vault areas, or electronically secured computer systems to protect the privacy of education records. Procedures for access to and release of information based on Policy 515 — Protection and Privacy of Education Records will be followed. These responsible individuals will instruct and supervise the staff to whom they delegate responsibility for the collection, storage, and disclosure of student data.

XII. Problems Accessing Data

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.

XIII. Complaints for Noncompliance

A. Where to File Complaint

Complaints regarding alleged violations of rights accorded parents or guardians, and eligible students by 20 U.S.C. 1232g, and the rules promulgated thereunder, will be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202-5920.

B. Contents of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of 20 U.S.C. 1232g and the rules promulgated thereunder has occurred.

XIV. Destruction and Retention of Records

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

XV. Copies of Policy and Procedure

Copies of this policy and procedure may be obtained by parents or guardians, and eligible students at the office of the Superintendent of Schools.

Procedure Revised: 9/23/14

Procedure Revised: 11/17/13

Procedure Revised: 6/23/09

Procedure Revised: 5/18/04

Procedure 515 Dated: 9/2/03 (formerly Procedure 5710)

Procedure Revised: 2/1/94 Procedure Revised: 2/4/86 Procedure 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 551 - Exclusion and Expulsion

Policy 925 - Internet (World Wide Web) and Intranet Publishing

Legal References:

Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99)

Minnesota Government Data Practices Act (M.S. Ch. 13 and MN Rules, Part 1205)

Individuals with Disabilities Education Act (34 C.F.R. Parts 300.610-.627)

Maltreatment of Minors Act (M.S. 626.556)

Records Retention Act (M.S. 138.17)

Confidentiality of Alcohol and Drug Abuse Patient Records (42 C.F.R. Part 2),

School Attendance Review Boards (M.S. 260A.05)

Compilation of Directory Information (10 U.S.C. 503(c))

Consent of Minors for Health Services (M.S. 144.341-.347)
Administrative Procedure Act (M.S. Ch. 14)
Sharing Disposition Order and Peace Officer Records (M.S. 121A.75)
Predatory Offenders; Notice (M.S. 244.052)
Disposition Order and Peace Officer Records of Children (M.S. 260B.171, subds. 3 and 5)
No Child Left Behind (20 U.S.C. Section 6301 et seq.)
Internal Revenue Code (26 U.S.C. Sections 151 and 152)
Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program
(42 U.S.C. Section 14071)

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota