

# Mounds View Public Schools Ends and Goals Regulation

## EG-3110 Protection and Privacy of Student Records

Mounds View Public Schools will abide by all statutes regarding data privacy of student records and provide an annual notice to all parents and guardians with regard to this policy and District regulations. State law provides that all data collected, created, received or maintained by a school district is public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. 1232g and the regulations promulgated thereunder.

### I. Definitions.

- A. 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 parent's name, student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information. Directory information also includes names, addresses and phone numbers of adult District residents. Directory information does not include personally identifiable data which references religion, race, color, social position or nationality.
- B. Education Records.
1. What Constitutes "Education Records". Education records means those records which:
    - (a) are directly related to a student; and
    - (b) are maintained by the School District.
  2. What Does Not Constitute an Education Record. The term "education records" does not include:
    - (a) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which:
      - (1) are in the sole possession of the maker thereof; and
      - (2) are not accessible or revealed to any other individual except a temporary substitute for the maker of the record.
    - (b) Records of a law enforcement unit of the School District, provided educational 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.

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

D. Legitimate educational interest. "Legitimate educational interest" includes interest related to classroom instruction, teaching, student achievement and progress, discipline of a student and student health and welfare. It includes a person's need to know in order to:

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

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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.
  
- E. Parent. "Parent" means a parent of a student and includes a natural 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.
  
- F. Personally identifiable. "Personally identifiable" means that the data or information includes, but is not limited to: (1) a student's name; (2) the name of the student's parent or other family member; (3) the address of the student or student's family; (4) a personal identifier such as the student's social security number or 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.
  
- G. Record. "Record" means any information or data recorded in any way including, but not limited to handwriting, print, tape, film, microfilm, microfiche, and information stored or maintained electronically.
  
- H. Responsible authority. "Responsible authority" means the Superintendent of Schools.
  
- I. Student. "Student" means an individual currently or formerly enrolled or registered with the School District, applicants for enrollment or registration with the School District, or individuals who receive or have received shared-time educational services from the School District.
  
- J. School official. "School Official" includes: (1) a person duly elected to the School Board; (2) a person employed by the School District in an administrative, supervisory, instructional or other professional position; (3) a person employed by the School District as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (4) a person employed by, or under contract to, the School District to perform a special task such as a secretary, a clerk, an attorney or an auditor for the period of his or her performance as an employee or contractor.
  
- K. Summary data. "Summary Data" means statistical records and reports derived from data on students but in which students are not identified and from which neither the student's identity or any other characteristic that could uniquely identify the student is ascertainable.
  
- L. Data Practices Compliance Official. A Data Practices Compliance Official means the District representative to whom persons may direct questions or concerns regarding obtaining access to data or other data practices problems. District General Counsel is the Data Practices Compliance Official.
  
- M. Other terms and phrases. All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

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### II. General.

- A. General classification. State law provides that all data collected, created, received or maintained by a school district is public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. § 1232g and the regulations promulgated thereunder.

### III. Statement of rights.

- A. Rights of parents and eligible students. Under the policy and this regulation, parents and eligible students have the following rights:
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 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;
  5. The right to be informed about rights under the federal law; and
  6. The right to obtain a copy of this policy at the location set forth in Section XVII 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."

### IV. Disclosure of education records.

#### A. Consent required for disclosure.

1. The School District shall obtain a signed and dated written consent from 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.

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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; and
    - (d) 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. 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.
- 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 officials of other schools or school districts in which the student seeks or intends to enroll. This provision shall serve as notice that the School District forwards education records on request to a school in which a student seeks or intends to enroll, and that the District will not further notify parents or eligible students prior to such a transfer.

Nothing in this Policy prevents the School District from including in the student's educational records appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student or others, or from sharing information related to such disciplinary actions with school officials within the School District or school officials from other schools if the school officials have a legitimate educational interest in the behavior of the student.

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Records of a student's expulsion or withdrawal or transfer after an expulsion action is initiated against a student, in regard to a weapons violation, will be disclosed to another school district. Unless the information is otherwise public, the disclosure will be made only in connection with the possible admission of the student into the other school district. However, nothing in this provision limits or restricts the School District's ability to make a report of incidents involving the use or possession of dangerous weapons in school zones to the Commissioner of Children, Families, and Learning as set forth in Minn. Stat. 121.207, subd. 3.

Upon request, the School District will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XII of this policy.

3. To authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, or an official or employee of the Department of Education acting for the Secretary under a delegation of authority, 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.
4. 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.

5. 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 allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior adjudication, the student whose records are released; *and* the officials and authorities to whom such information is disclosed certify *in writing* to the School District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.
  - (c) "Juvenile Justice System" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

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- (d) The request for disclosure and a record of the release will be maintained in the student's file. Upon request, the following education data will be disclosed to the juvenile justice system: A student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.
  
- 6. 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 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.
  
- 7. To accrediting organizations in order to carry out their accrediting functions.
  
- 8. To parents of a dependent student as defined in the Internal Revenue Code 26 U.S.C. 152.
  
- 9. To comply with a judicial order or lawfully issued subpoena. The School District will make 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) a federal grand jury subpoena and the court has ordered that the existence of or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or information furnished in response of the subpoena not be disclosed.
  
- 10. If the School District initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student in advance of the disclosure, it may disclose the student's education records that are relevant to the action to the court without a court order or subpoena.
  
- 11. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The factors which will be considered in determining disclosure under this provision include:
  - (a) the seriousness of the threat to the health or safety of the student or other individuals;
  - (b) the need for the information to meet the emergency;
  - (c) whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
  - (d) the extent to which time is of the essence in dealing with the emergency.
  
- 12. Information the School District has designated as "directory information" pursuant to Section V of this policy.

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13. To the parent of a student who is not an eligible student or to the student himself or herself.
14. To an alleged victim of a crime of violence, as that term is defined in 18 U.S.C. 16, limited to the results of any disciplinary proceeding conducted by the School District against the alleged perpetrator with respect to that crime.
15. 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 School District for students or former students.
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bonafide 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.
17. When disclosure is required for institutions that participate in a program under Title IV of the Higher Education Act, 20 U.S.C. Chapter 1092.
18. To appropriate School District officials to the extent necessary to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a post-secondary institution during the previous academic year by a student who graduated from the School District within two years before receiving the remedial instruction.
19. Sharing of Information Regarding Students with Violent Behaviors Pursuant to M.S.A. 121A.75

#### **Definition**

Staff have the right to feel safe in the schools in which they work. When the Mounds View Public Schools are notified of a student with a history of violent behaviors, information regarding students that have a history of violent behavior will be shared with the adults who work with them pursuant to Minn. Stat. 121A. 64. A student will be deemed to have a history of violent behavior if they have engaged in conduct that threatens or causes physical injury or significant damage to property, which rises to the level of a chargeable offense pursuant to state criminal law.

#### **Sharing of Information**

The sharing of information regarding these students must follow the policies regarding data privacy (Policy EG-3110 and M.S. 121A.64). According to this, information can be shared if there is a "legitimate educational interest" which includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student and student health and welfare. It includes a person's "need to know" in order to perform a supervisory or instructional task directly related to the student's education. This information should be shared on this "need to know" basis with any staff that would be directly involved. Those given this information must, in turn, only share this when there is a legitimate educational purpose for another staff member knowing it.

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#### Recipients of Notice

Each teacher of a student with a history of violent behavior as defined above, will receive written notification from the principal prior to placement of the student in the teacher's classroom. In addition, notice will be given by the principal to other staff members who have a legitimate educational interest in knowing the information.

The principal will call one group meeting for all of those individuals who have been determined to have a legitimate education interest in knowing the information. The principal will review a one page written notice that outlines the information for staff members. That notice will contain the name of the student, date of notice meeting, the history of violent behavior that gives rise to the notification, and a reminder that the information that is being communicated is private and subject to data privacy laws.

The written notice will be signed by all staff present at the meeting. The written notice, along with a brief summary as to why individuals were selected to hear the information, will be maintained as a record with the principal with a copy forwarded to the Responsible Authority appointed by the school board under the Minnesota Data Practices Act.

#### Law Enforcement Reports

The principal must immediately forward to appropriate school staff members those notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. 121A.75. The law enforcement notice must be followed by a written notice described above within ten (10) business days.

#### V. Release of directory information.

- A. Classification. Directory information is public except as provided herein.
- B. Former students. The School District may disclose directory information from the education records generated by it regarding an individual who is no longer in attendance within the School District without meeting the requirements of Part C of this Section.
- C. Present students. The School District may disclose directory information from the education records of a student 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. Give public notice by any means that are reasonably likely to inform the parents and eligible students of the categories of personally identifiable information which it has designated as directory information;
  2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the School District, in writing, that any or all of the information so

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designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section IV of this policy.

- D. Procedure for obtaining non-disclosure of directory information. The parent's or eligible student's written notice shall be directed to the Data Practices Compliance Official and shall include the following:
1. Name of the student;
  2. Home address;
  3. School presently attended by student;
  4. Parent's legal relationship to student, if applicable; and
  5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent.
- E. Duration. The designation of any information as directory information about a student will remain in effect until it is modified at the written direction of the student's parent or the eligible student.

### VI. Disclosure of private records.

- A. Private records. For the 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 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 IV herein, without the prior written consent of the parent or the eligible student.
- 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. By request of the minor. 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;

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- (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-.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.
2. Without request from a minor. Without a request from a minor, the responsible authority may deny parental access to private data on a minor, pursuant to the provisions of Minn. Stat. 144.335 or any other statute or federal law that allows or requires the responsible authority to prevent parental access to records.
- 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.

### VII. 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 parent.
- B. Reports under the Maltreatment of Minors Reporting Act. Data Made Confidential by the Maltreatment of Minors Reporting Act. Pursuant to Minn. Stat. 626.556, reports and information pertaining to a neglected and/or physically and/or sexually abused child will only be accessible to the appropriate welfare and law enforcement agencies as designated by state law.
1. Reports. Reports of maltreatment made pursuant to Minn. Stat. 626.556 are confidential data and the School District will not make these reports available to the parent, the student or the subject of the data. The data subject, 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.
2. Interviews of Students. Interviews of students regarding reports of maltreatment may take place at school subject to the provisions of Minn. Stat. 626.556, subd. 10. All notifications and orders related to any interview or investigation of maltreatment are confidential. The School District will not make this information available to the parent, the student or the subject of the data unless the School District has received written confirmation from the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency is the sole entity responsible for disclosing any information regarding the nature of the assessment or investigation.
3. Records regarding a report of maltreatment, including any notification, orders or information related to an interview or investigation, received by the School District will be destroyed by the School District only after the School District is ordered to destroy the documents by the agency conducting the assessment or investigation.

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- 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 non-public 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. 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.
  3. A "pending civil legal action" for purposes of this Subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

VIII. Disclosure of School Records Prior to Exclusion or Expulsion Hearing. At a reasonable time prior to any exclusion or expulsion hearing, the student, the student's parent or guardian, or his or her legal representative will be allowed the right, upon request, to access the student's educational records that are maintained by the School District as provided by Minn. Stat. 127.26-.39.

#### IX. Limits on Redislosure.

- A. Redislosure. 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. Redislosure not prohibited. This section does not preclude the School District from disclosing personally identifiable information under Section IV 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:

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1. The disclosures meet the requirements of Section IV of this policy; and
  2. The School District complies with the record keeping requirements of Section X of this policy.
- 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, except for the disclosure of directory information under Section V of this policy, or except for disclosures to a parent or student, inform the party to whom a disclosure is made of the requirements set forth in this Section.
- X. 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 his/her 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 student records by September 1 of each school year, if it is inconsistent with the District plan. 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 Part C of this Section for compliance with the law, this policy and the various administrative policies of the District. The responsible authority shall then promulgate a chart incorporating the provisions of Sub. C.
  - 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 obtained personally identifiable information from the education records of the student;
      - (b) the legitimate interests these parties had in requesting or obtaining the information;
      - (c) the date of the request; and
      - (d) whether the request was granted and, if it was, the date access was permitted or disclosure was made.

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2. In the event the School District discloses personally identifiable information from an education record of a student pursuant to Section IX, Part 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; and
  - (b) the legitimate interests under Section IV of this policy which each of the additional parties has in requesting or obtaining the information.
3. Parts 1 and 2 of this section do not apply to requests by or a disclosures to: (a) a parent of a student; (b) an eligible student; (c) a school official under Section IV of this policy; (d) a party with written consent from the parent or eligible student; (e) a party seeking] directory information; or (f) a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of this subpoena or the information furnished in response to the subpoena not be disclosed.
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 record of requests and disclosures will be kept with, but will not be a part of, each student's cumulative education records and will be maintained for as long as the School District maintains the student's education records.

### XI. Right to inspect and review records.

- A. Parent of a student or an eligible student. The School District shall permit the parent eligible 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.
- B. Response to request for access. The School District shall respond to any request pursuant to Subdivision 1 of this Section immediately, if possible, or within five (5) days of the date of the request, excluding Saturdays, Sundays and legal holidays. In the event the School District cannot comply with the request within the initial five (5) day period, the responsible authority shall so notify the requesting-individual and the responsible authority may have an additional five (5) days within which to comply, 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

# Mounds View Public Schools

## Ends and Goals Regulation

### EG-3110 Protection and Privacy of Student Records (continued)

2. the right to obtain copies of the records from the School District where failure of the School District to provide copies would effectively prevent the parent or eligible student from exercising the right to inspect and review the education records.
  3. In respect to records pertaining to a disabled student, as that term is defined under state and federal law, the right to have a representative of the parent inspect and review the records. Nothing in this policy 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 the eligible student.
  4. The School District will not charge a parent or eligible student any fee where the parent or eligible student only desires to view the student's educational records.
- D. Form of request. Parents or eligible students shall submit to the School District Data Practices Compliance Official 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 will attempt to accommodate those wishes. The parent 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 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 copies of records. 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. The cost of providing copies shall be borne by the parent or eligible student.

## Mounds View Public Schools Ends and Goals Regulation

### EG-3110      **Protection and Privacy of Student Records (continued)**

3. 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 the parent or eligible student from exercising their right to inspect or review the student's education records.
4. 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 for such copies and other copies forwarded to third parties with prior consent as a convenience will be actual search/retrieval and copying costs, plus postage, if that is involved.

#### XII. 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, incomplete or violates the privacy or other 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 requester believes to be inaccurate, misleading, incomplete 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 requester wishes the School District to make. The request shall be signed and dated by the requestor.
  2. The responsible authority shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request, not to exceed thirty (30) days.
  3. If the responsible authority decides to amend the education records, the School District shall attempt to notify past recipients of that data, including recipients named by the requestor.
  4. If the responsible authority refuses to amend the education records of the student in accordance with the request, he or she shall so 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 Part B of this section.
- B. Right to a hearing. If the responsible authority refuses to amend the education records of a student, the School District shall, on request, provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, incomplete, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Part C of this section.
  1. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading, incomplete, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly, so inform the parent of the student or the eligible student in writing, and attempt to so notify past recipients of the data.

## Mounds View Public Schools Ends and Goals Regulation

### EG-3110      **Protection and Privacy of Student Records (continued)**

2. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading, incomplete, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or set forth any reasons for disagreeing with the decision of the School District.
3. Any statement placed in the education records of the student under Part B2 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 statement 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, not to exceed forty-five (45) days, and the parent of the student or the eligible student shall be given notice of the date, place and time in a reasonable period of time in advance of the hearing.
2. The hearing may be conducted by any party approved by the School Board, including an official or employee of the School District who does not have a direct interest in the outcome of the hearing.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for a hearing to present evidence relative to the issues raised under Parts A and B of this section and may be assisted by individuals of his or her choice at his or her own expense, including an attorney.
4. The designated hearing officer shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.
5. The decision of the designated hearing officer shall be served upon each party.

- D. Appeal. The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the State Administrative procedure Act, Minn. Stat. 14.01 et seq., relating to contested cases.

### XIII. Complaints for Non-compliance.

- A. Where to file complaints. Complaints regarding alleged violation of rights accorded parents and eligible students by 20 U.S.C. § 1232g, and the rules promulgated thereunder, may be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

# Mounds View Public Schools

## Ends and Goals Regulation

### EG-3110 Protection and Privacy of Student Records (continued)

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

#### XIV. Waiver.

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

#### XV. 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;
  2. That the parent or eligible student has a right to request the 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;
  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 20 U.S.C. 1232g, and the rules promulgated thereunder; and
  5. The annual notice will also include:
    - (a) the procedure for exercising the right to inspect and review education records;
    - (b) the procedure for requesting amendment of records; and
    - (c) the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest in regard to release of information to school officials without consent as provided in Section IV of this policy.
- 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 and Eligible Students who are Disabled. The School District shall provide for the need to effectively notify parents and eligible students who are disabled.

## **Mounds View Public Schools Ends and Goals Regulation**

### **EG-3110      Protection and Privacy of Student Records (continued)**

- XVI.      Destruction and retention of Records. Destruction and retention of records by the School District shall be controlled by state and federal law.
  
- XVII.     Copies of policy. Copies of this policy may be obtained by parents and eligible students at the office of the Superintendent of Schools.

October 2002  
Revised: August 2006

# Mounds View Public Schools Ends and Goals Regulation

## ANNUAL PUBLIC NOTICE

Independent School District No. 621 gives notice to parents of students and students currently in attendance in the School District of their rights regarding pupil records.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and the Minnesota Governmental Data Practices Act, Minn. Stat. 13.01, *et seq.*, provide parents and students who are over 18 years of age ("eligible student") with certain rights with respect to the student's education records. These rights include:

1. Parents and eligible students have the right to inspect and review the student's educational records. The School District will attempt to honor a request for access to a student's education records immediately, if possible, or within five days. If the School District needs additional time to respond to a request for access to education records, the School District may request an additional 5 days to comply with the request.
  - a. If a parent or eligible student wants to make a request for access to the student's education records, the parent or eligible student must submit a written request to inspect and review education records to the District Data Practices Compliance Official. The request should identify as precisely as possible the record or records the requesting party would like to inspect and review.
2. Parents and eligible students have the right to request the amendment of the student's education records that the parent or eligible student believes are incomplete, inaccurate or misleading.
  - a. If the parent or eligible student wants to amend an education record(s) that they believe are incomplete, inaccurate or misleading, the parent or eligible student must request an amendment in writing to the District Data Practices Compliance Official. The request must identify the records(s) that the parent or eligible student seeks to amend and identify the items contained therein that are believed to be incomplete, inaccurate or misleading and specify the correction that is being requested.
  - b. If the School District does not amend the record(s) as requested by the parent or eligible student, the School District will notify the parent or eligible student of the decision and advise them of their 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.
3. Parents and eligible students have the right to consent to disclosures of personally identifiable information contained in the student's education records prior to such disclosure, except to the extent that FERPA, the Minnesota Data Practices Act, or other state or federal law expressly provides for disclosure without prior consent.
  - a. One exception which permits disclosure without prior consent is disclosure to school officials who have legitimate educational interests. 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); a person serving on the School Board; a person or company with whom the School District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

## **Mounds View Public Schools Ends and Goals Regulation**

- b. Generally, a school official has a legitimate educational interest if the individual needs to review an education record or have the educational information in order to fulfill his or her professional responsibilities.
  - c. Upon request, the School District discloses a student's education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll. The School District forwards education records on request to a school in which a student seeks or intends to enroll, the School District does not provide further notice to parents or eligible students prior to such a transfer.
4. Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the federal Office that administers FERPA and receives complaints is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

5. "Directory Information" concerning students is public information and may be disclosed by the School District without prior consent.
- a. "Directory information" includes the following information relating to a student: the parent's name, student's name; address; telephone number; date of birth; sex; major field of study; dates enrolled in Mounds View Public Schools; height and weight of members of athletic teams; extra-curricular activities, special achievements and honors. "Directory information" does not include identifying information on a student's religion, race, color, social position or nationality.
  - b. Should the parent of a student or the student so desire, any or all of the directory information listed above will not be disclosed without the parent's or 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 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;
    - (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 student's prior written consent.
6. Copies of the School Board's Policy and Regulation EG-3110 regarding protection and privacy of student records and accompanying procedures are available to parents and students upon written request at the office of the Superintendent.

Revised: August 2006