

## 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

### I. PURPOSE

The purpose of this policy is to provide guidance for the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in state and federal law.

### II. DEFINITIONS

- A. "Dates of attendance" means the period of time during which a student attends or attended a school or schools in the school district. It does not include specific daily records of a student's attendance at a school or schools in the school district.
- B. "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 is limited to: the student's name, address, telephone listing, photograph, date of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent educational agency or institution attended, photographs, videotapes and other visual representations for school-approved publications, yearbooks, newspapers, and public presentations. It also includes the name, address and telephone number of the student's parent(s). Directory information does not include personally identifiable data which references religion, race, color, disability, social position or nationality.
- C. "Military information" means name, address and home phone number for all students in grades 11 and 12.
- D. "Education records" means those records which are directly related to a student and are maintained by the school district.
1. 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 of the records;
      2. Are destroyed at the end of the school year, and
      3. Are not accessible or revealed to any other individual except a temporary substitute.
    - b. Records relating to an individual employed by the district which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for use for any other purpose.
    - c. Records relating to an eligible student which are created 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; created, maintained or used only in connection with the provision of treatment to the student, and not disclosed to anyone other than 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

which are part of the program of instruction within the school district.)  
d. Records which contain only information relating to a person and which were obtained after he or she is no longer a student in the district.

- E. "Eligible student" means a student in the district who is 18 years of age or older.
- F. "Legitimate educational interest" includes interests directly related to classroom instruction, teaching, student achievement and progress, student discipline, and student health and welfare.
- G. "Parent" includes a parent or a guardian or an individual acting as a parent of a student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights inherent in the applicable law and set out in this policy unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or custody, or a legally binding instrument which provides to the contrary.
- H. "Personally identifiable" means the data or information includes: (a) the name of a student, the student's parents or other family members, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make the student's identity easily traceable or (e) other information which would make the student's identity easily traceable.
- I. "Record" means any information or data recorded in any medium, including, but not limited to handwriting, print, video or audio tape, film, microfilm and microfiche, or electronic media.
- J. "Responsible authority" means the superintendent of schools or designee.
- K. "Student" includes any individual on whom the school district maintains educational records.
- L. "Summary data" means statistical records and reports derived from data on individuals, but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.
- M. All other terms and phrases shall be defined in accordance with applicable law or ordinary custom and usage.

### **III. PUBLIC, PRIVATE and CONFIDENTIAL RECORDS**

State law provides that all data collected, created, received or maintained by a school district is either public, 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. For the purposes of this policy, "private records" means records which are made not public by state or federal law and which are accessible to the student subject of the data and his or her parents if he or she is not an eligible student. For the purposes of this policy, "confidential records" means records which are made not public by state or federal law and which are inaccessible to the student and his or her parent.

#### IV. DISCLOSURE OF EDUCATION RECORDS

- A. Prior Consent Required – The district shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided herein. Consent is not required under this section when the disclosure is to the parent of a student who is not an eligible student or to the student himself or herself. The written consent required above must be signed and dated by the parent of the student or the eligible student giving the consent, and shall include a specification of the records to be disclosed, the purpose or purposes of the disclosure and the party or class of parties to whom the disclosure may be made and, if appropriate, a termination date for the consent.
- B. Prior Consent 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 and if the disclosure is:
1. To school officials with legitimate educational interests who are: persons employed by the school as an administrator, supervisor, instructor, or support staff members; a person serving on the School Board; a person or company with whom the school has contracted as its agent to provide a service instead of using its own employees or officials or an authorized volunteer.
  2. To officials of other schools or school districts in which the student seeks or intends to enroll. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Part XVI – Annual Notification of Rights.), suspension and expulsion for violent behavior 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 Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. (This provision shall serve as notice that the 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. Upon request, the district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity to utilize the provisions of this policy to challenge the content of these records.);
  3. To authorized representatives of the Comptroller General of the United States, other federal educational authorities as provided by 20 U.S.C. Section 1232(g) and the commissioner of the Minnesota Department of Education;
  4. In connection with financial aid which a student has applied for or received. “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 required to be reported or disclosed by state statute prior to November 19, 1974;
  6. To organizations or individuals 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 and improving instruction; provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organization" includes, but is not limited to, federal, state and local agencies, independent organizations and individuals. Individuals and organizations shall present their research plans, in writing, in advance to the appropriate personnel as described in Policy 520.1 - Use of Students, Employees and/or District Data for Research;

7. To accrediting organizations in order to carry out their accrediting functions;
  8. To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954;
  9. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. In addition, if the school district initiates legal action against a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
  10. 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.
  11. 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;
  12. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student.
  13. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3.
  14. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5.
- C. Whenever a student has attained 18 years of age, 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.

## **V. RELEASE OF DIRECTORY INFORMATION**

### **A. Classification**

Directory information is public. The School District may release directory information of current and former students without prior written consent except as provided herein.

### **B. Current Students**

Directory information of a current student may not be released if the parent or eligible student has opted out of release of directory information (see Appendix C). This opt out must be requested annually.

The School District shall:

1. Annually give public notice in a school newsletter of the categories of personally identifiable information it has designated as directory information;
2. Allow a reasonable period of time after such notice has been given for a parent to inform the district in writing that all the information so designated should not be disclosed without the parent's prior written consent, except to the officials or agencies outlined in Section IV (Disclosure of Education Records) above.

### **C. Former Students**

If a former student opted out of the release of directory information in his or her last year of attendance, the School District may not disclose directory information regarding the former student.

## **VI. DISCLOSURE OF PRIVATE RECORDS**

### **A. Private Records**

The district may not disclose private records or their contents, except as summary data and except as provided in Section III (Public, Private and Confidential Records) above, without the prior written consent of the parent or eligible student. Private records include:

1. Group test scores (achievement, aptitude, interest, intelligence);
2. Level of achievement (marks, teacher ratings, end-of-year report);
3. Student health records (medical, appraisal, routine hearing and vision screening, nurses' comments);
4. Individually administered standardized, intelligence, aptitude and achievement tests (e.g., Peabody Picture Vocabulary, Slossen, Wide Range Achievement Tests, Illinois Test of Psycholinguistic Ability, Bender, Kuder, Strong);
5. Psychological, social workers and counseling reports pertaining to formal personality testing and assessments;
6. Medical reports, other than those routinely obtained for health records, except as provided in section B below, or
7. Child welfare reports pertaining to free lunch requests, child custody and non-public court information and administrative reports of verified serious behavioral or criminal incidents unless such reports are made confidential in accordance with state law.

### **B. Private Records Not Accessible to Parent**

1. 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. Pursuant to Minnesota law, child welfare reports pertaining to abused and battered children shall be accessible to appropriate welfare and law enforcement agencies and the subject individual alone. The district shall not make such reports available to the parent.

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

C. Private Records Not Accessible to Student

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

## VII. DISCLOSURE OF CONFIDENTIAL RECORDS

Confidential records are those records (and data within those records) which are made not public by state or federal law and which are inaccessible to the student and his or her parent.

- A. Records in the Possession of the District – Data on a student collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of commencement of a legal action shall be treated as confidential by the district.
- B. Confidential Records from Other Agencies – Data on individuals received from outside agencies which is classified confidential in accordance with state or federal law shall be treated as confidential by the district. The burden as to whether the data is properly classified as confidential shall be upon the outside agency which provided it.
- C. Reports Under the Maltreatment of Minors Reporting Act  
Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.
- D. Investigative Data

1. 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.
2. Any data classified by the school district as protected non-public or confidential data pursuant to this subdivision may be made accessible to any person, agency or the public if the school district determines that such access will aid the law enforcement process or promote public health or safety.
3. A complainant has access to a statement he or she provided to the school district.
4. Once a civil investigation becomes inactive (as described below), civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

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

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, et seq.

#### **IX. DISCLOSURE OF DATA TO MILITARY RECRUITMENT OFFICERS**

The School District will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers unless a parent or eligible student has followed district procedures in refusing release of this data. (See Appendices C and D.)

#### **X. LIMITS ON REDISCLOSURE**

A. Consistent with the requirements herein, the 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 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 personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents,

- but only for the purposes for which the disclosure was made.
- B. Section VII above (Disclosure of Confidential Records) does not preclude the district from disclosing personally identifiable information under Section IV (Disclosure of Education Records) with the understanding that the information will be redisclosed to other parties under that section, provided that the record-keeping requirements of federal law are met with respect to each of those parties.
  - C. The district shall, except for the disclosure of directory information under Section V and IX above (Release of Directory Information and Disclosure of Data to Military Recruitment Officers), inform the party to whom a disclosure is made of the requirement set forth in Section X above (Limits on Redisclosure).

**XI. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING**

- A. The responsible authority for the maintenance and security of student records shall be the superintendent of schools or his or her designee.
- B. Record Security – The principal of each school and the Director of Student Services, subject to the supervision and control of the superintendent, shall be the records manager of his or her school or program and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records. The Office of the Superintendent shall be the records manager for student records maintained in the district storage.
- C. Record-keeping – The school district shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which indicates:
  - 1. The parties who have requested or obtained personally identifiable information from the education records of the student;
  - 2. The legitimate interests these parties had in requesting or obtaining the information;
  - 3. The date of the request, and
  - 4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.
- D. Section C above does not apply to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials under Section IV. B.1. above (Disclosure of Education Records) or disclosures of directory information under Section V. above (Release of Directory Information).
- E. The record of disclosures may be inspected by the parent of the student or the eligible student, and by the authority responsible for the custody of the records.

**XII. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. The district shall permit the parents of a student or an eligible student who is or has been in attendance in the district to inspect and review all education records of the student (except those records which are made confidential by state or federal law). A written request must be submitted in accordance with district procedure. All education records includes education records kept by teachers, counselors and other school staff members, and education records kept in school offices and district-level records storage. The district shall comply with a request immediately, if possible, or within 10 working days of the date of that request.

- B. The right to inspect and review education records under Section XII. A. (Right to Inspect and Review Education Records) includes:
  - 1. The right to a response from the district to reasonable requests for explanations and interpretations of the records, and
  - 2. The right to obtain copies of the records from the district where failure of the district to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.
- C. The district may presume that either parent of the student has authority to inspect and review the education records of the student unless the district has been provided with evidence that there is a legally binding instrument, or a state law or court order governing such matters as divorce, separation or custody, which provides to the contrary.
- D. The school district shall charge a reasonable fee for providing copies of records. The cost of providing copies shall be borne by the parent or eligible student, except when to do so would impair the ability of the parent or the eligible student to exercise their right to inspect and review those records. Copying costs shall be waived for families eligible for free or reduced school lunch. Parents or eligible students shall request a fee waiver in writing.

### **XIII. 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 in writing that the district amend the records.
  - 1. The superintendent or designee 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.
  - 2. If the superintendent or designee decides to refuse 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 the eligible student of the right to a hearing under Section B below.
- B. Request for Hearing – The district shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure 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 students. The hearing shall be conducted in accordance with Section C below.
  - 1. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
  - 2. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, incomplete or otherwise in violation of the privacy or other rights of students, 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 setting forth any reason for disagreeing with the decision of the agency or institution.
  - 3. Any statement placed in the education records of the student based on the results of

a hearing to amend that student's records shall:

- a. Be maintained by the district as part of the education records of the student as long as the record or contested portion thereof is maintained by the district, and
- b. If the education records of the student or the contested portion thereof is disclosed by the 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 district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
2. The hearing may be conducted by the superintendent or other designated representative of the school board who has no direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the district's position and to advise the superintendent or designated representative on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity at the hearing to present evidence relevant to the issues raised under sections A. and B. above and may be assisted by individuals of his or her choice at his or her own expense, including an attorney.
4. The decision shall be made in writing in 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 superintendent or designated representative shall be the final decision of the district.

D. Appeal

The decision of the superintendent (responsible authority) or designated representative may be appealed in accordance with the applicable provisions of the State Administrative Procedures Act, Minnesota Statute, Chapter 14, relating to contested cases.

**XIV. COMPLAINTS FOR NONCOMPLIANCE**

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. section 1232 (g) shall be submitted in writing to the Family Educational and Privacy Act Office, Department of Health and Human Services, 330 Independence Avenue S.W., Washington, D.C. 20201.

**XV. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to 20 U.S.C. section 1232 (g). 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.

**XVI. ANNUAL NOTIFICATION OF RIGHTS**

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

- A. Their rights under 20 U.S.C. Section 1232 (g) and 45 Code of Federal Regulation Part 99; the policy adopted under 45 Code of Federal Regulation Section 99.5 and the Minnesota Data Privacy Act. The notice shall also inform parents of students or eligible students of the location where copies of the policy may be obtained, and
- B. The right to file complaints under 45 Code of Federal Regulation Section 99.63

concerning alleged failures by the district to comply with the requirements of 20 U.S.C. Section 1232 (g).

## **XVII. DESTRUCTION AND RETENTION OF RECORDS**

The destruction and retention of records by the district shall be controlled by state and federal law.

Policy 515 - Protection and Privacy of Pupil Records  
Adopted: 8/25/08

School Board  
INDEPENDENT SCHOOL DISTRICT 659  
Northfield, Minnesota

Appendices:           Appendix A – Statement of Rights  
                              Appendix B – Notice of Designation of Directory Information  
                              Appendix C – Denial of Release of Directory Information  
                              Appendix D – Notice to Parents/Guardians and Students Regarding the  
                              Release of Information to Military Recruiters  
                              Appendix E – Authorization for Release of School Records  
                              Appendix F – Consent for the Release of Confidential Information  
                              Regarding Alcohol & Drug Abuse Student Records  
                              Appendix G – Request for Access to Records  
                              Appendix H – Request for Correction to be Made in the Education Record  
                              Appendix I – Retention of Test Protocols  
                              Appendix J – Photograph and Student Work Consent Form

**Legal References:**   Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
                              20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
                              20 U.S.C. § 6301 *et seq.* (No Child Left Behind)

**Cross References:**   Policy 506 (Student Discipline)  
                              Policy 515.2 (Access to Students and Student Records by Custodial and  
                              Non-Custodial Parents)  
                              Policy 519 (Interviews of Students by Outside Agencies)  
                              Policy 520 (Student Surveys)  
                              MSBA/MASA Model Policy 711 (Videotaping on School Buses)

## APPENDIX A

### STATEMENT OF RIGHTS

Parents/guardians and eligible students have the following rights under the Family Educational Rights and Privacy Act, the Minnesota Government Data Practices Act, Tennesen Notice, the Confidentiality of Information section of the regulations implementing the Education for all Handicapped Children Act of 1975, and Independent school District No. 659 Policy 515 – Protection and Privacy of Education Records.

1. The right to inspect and review the student's records.
2. The right to seek to correct the student's records, in a hearing if necessary.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records except to the extent that federal or state law authorize disclosures without consent;
  - a. One exception which permits disclosure without consent is disclosure to school officials with legitimate education interests.
  - b. Another exception is that upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, including suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior, and any disposition order which adjudicates the student as delinquent for committing an illegal act on District property.
4. The right to report violations of the rules and regulations, cited above, to the Department of Education.
5. The right to explanations and interpretations of the records.
6. The right to have a representative of the parent/guardian or eligible student inspect and review the records.
7. The right to exercise a limited control over other people's access to the student's records.
8. The right, if asked to provide private or confidential data, to be informed of:
  - a. the purpose and intended use of the data within the school system;
  - b. whether he/she may refuse or is legally required to supply the requested data;
  - c. any known consequences of not providing the data; and
  - d. the identity of other persons or entities authorized by state or federal law to receive the data.
9. The right to be informed of the above rights.

All rights and protections given parents/guardians under the above statutes, regulations and District policy transfer to the student when the student becomes an eligible student.

Parents/guardians or eligible students wishing access to or copies of student record policies and administrative procedures should present their request to the building Principal or to the Superintendent of Schools.

Copies of this STATEMENT OF RIGHTS will be made available to parents/guardians through official school publications. Copies are also available from the district office upon request.

7/08

*The Mission of the Northfield Public Schools is to deliver educational excellence  
that empowers all learners to participate in our dynamic world.*

An Equal Opportunity Employer

## APPENDIX B

### NOTICE OF DESIGNATION OF DIRECTORY INFORMATION

The Northfield Public Schools, Independent School District No. 659, designates the following personally identifiable information contained in a student's education record as "directory information," and will disclose that information without prior written consent.

1. The student's name
2. The student's address
3. The student's telephone listing
4. The student's photograph
5. The student's date of birth
6. The student's major field of study
7. The student's dates of school attendance
8. The student's grade level completed (i.e., first grade, tenth grade, etc.)
9. The student's enrollment status (full-time or part-time)
10. The student's participation in officially recognized activities/sports
11. The student's height and weight, if a member of an athletic team
12. The student's degrees, honors and awards received
13. The student's most recent educational agency or institution attended
14. The student's photographs, videotapes and other visual representations for school-approved publications, yearbooks, newspapers, and public presentations.
15. The student's parent(s) name, address and telephone number

A parent/guardian of a student or an eligible student may object to the listed directory information being disclosed without the parent/guardian or eligible student's prior written consent except to school officials as provided under federal law. In order to make all directory information private, the parent/guardian or eligible student must submit a completed Denial of Release of Directory Information (Appendix C) to the Building Principal or Superintendent of Schools.

On or after \_\_\_\_\_ (date), each student's record will be appropriately marked by the Student Information Specialist to indicate the appropriate designation of the above information. This designation will remain in effect for the current school year only.

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## APPENDIX C

### **DENIAL OF RELEASE OF DIRECTORY INFORMATION**

Pursuant the Notice of Designation of Directory Information, directory information **MAY NOT** be released without my expressed written consent:

Directory Information:

- \* Student's name
- \* Student's address
- \* Student's telephone listing
- \* Student's photograph
- \* Student's date of birth
- \* Student's major field of study
- \* Student's dates of school attendance
- \* Student's grade level completed (i.e., first grade, tenth grade, etc.)
- \* Student's enrollment status (full-time or part-time)
- \* Student's participation in officially recognized activities/sports
- \* Student's height and weight, if a member of an athletic team
- \* Student's degrees, honors and awards received
- \* Student's most recent educational agency or institution attended
- \* **Student's photographs, videotapes and other visual representations for school-approved publications, yearbooks, newspapers, public presentations and web pages.**
- \* Student's parent(s) name, address and telephone number

*I understand that by signing this Denial of Release of Directory Information, the affected student's name will not appear on some lists such as honor rolls. Further, I understand that I am denying release of all the directory information listed above.*

**Submitting this Denial of Release of Directory Information does not affect the release of directory information to Military Recruiters. In order to make all directory information about a student private to the public in general, including military recruiting officers, the parent/guardian or eligible student must complete the form below and also complete and submit a Denial of Release of Information to Military Recruiters (Appendix D).**

The designation of directory information about a student as private will remain in effect for the current school year only.

Return completed and signed copy to the Building Principal or the Superintendent of Schools by \_\_\_\_\_.

Signed \_\_\_\_\_ Address \_\_\_\_\_  
(Parent/Guardian/Eligible Student)

Date \_\_\_\_\_

Student Affected \_\_\_\_\_ Address \_\_\_\_\_

School Currently Attending: \_\_\_\_\_

## APPENDIX D

### NOTICE TO PARENTS/GUARDIANS AND STUDENTS REGARDING THE RELEASE OF INFORMATION TO MILITARY RECRUITERS

New Federal and State laws require all school districts, including Northfield Public Schools, to provide military recruiters, upon request, with the name, address, and telephone number of all 11th and 12th grade students unless the parent or eligible student (students over 18 years old and not a dependent) requests that the information not be provided without written permission.

According to State law, military recruiters may only use the information for the purpose of providing notification to students about military service, State and Federal veteran's education benefits, and other career and educational opportunities provided by the military. Additionally, military recruiters are prohibited from sharing the information except to recruiting services personnel of the armed forces.

**It is important to understand that if you do nothing, the Northfield Public Schools will release your student's name, address and telephone number to a military recruiter who requests the information.**

If you do not want the Northfield Public Schools to release your student's name, address, and telephone number to a military recruiter, you must complete the bottom portion of this form and Appendix C, Denial of Release of Directory Information, and return it to the Northfield Public Schools District Office, Attention: Student Information Specialist, 1400 Division Street South, Northfield, MN 55057. **Please note that if you previously submitted a Denial of Release of Directory Information, it alone will not be sufficient.** The law requires that a specific denial of access to military recruiters be made. As a result of completing the bottom portion of this form and Appendix C, the Northfield Public Schools will not release your student's name, address, and telephone number to a military recruiter who makes a request.

**Submitting this Denial of Release of Information to Military Recruiters does not affect the release of directory information to the public, including military recruiting officers. In order to make all directory information about a student private to the public in general, including military recruiting officers, the parent/guardian or eligible student must complete the form below and also complete and submit a Denial of Release of Directory Information (Appendix C).**

### DENIAL OF RELEASE OF INFORMATION TO MILITARY RECRUITERS

Pursuant to the Notice Regarding the Release of Information to Military Recruiters the District **MAY NOT** release the following information in response to a request from military recruiters without my expressed written consent: **student's name, student's address, and home telephone number.**

The denial of release of information to military recruiters will remain in effect for the current school year only.

Signed \_\_\_\_\_ Address \_\_\_\_\_  
(Parent/Guardian/Eligible Student Signature)

Circle One:  
**Parent - Guardian - Eligible Student**

Student Affected \_\_\_\_\_ Address \_\_\_\_\_

Student's Grade level \_\_\_\_\_

School Currently Attending \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX E AUTHORIZATION FOR RELEASE OF SCHOOL RECORDS

Name of Person/School/District \_\_\_\_\_

Address \_\_\_\_\_  
(city/state) (zip code)

You have my permission to release the following information from your files and to discuss this information with authorized personnel regarding:

Student \_\_\_\_\_ Birthdate \_\_\_\_\_

School Last Attended \_\_\_\_\_

Information to be released:

Identifying Information	YES ___ NO ___	Psychological Reports	YES ___ NO ___
Attendance	YES ___ NO ___	Graduation Data	YES ___ NO ___
Health Record	YES ___ NO ___	Report Cards/Grades	YES ___ NO ___
Standardized Test Data	YES ___ NO ___	Extracurricular Activities/Honors	YES ___ NO ___
Conference Reports	YES ___ NO ___	Teacher/Counselor/ Observations/Ratings	YES ___ NO ___
Special Education Reports	YES ___ NO ___	Disciplinary Records	YES ___ NO ___

Purpose of request: \_\_\_\_\_

Send the above-indicated information to:

\_\_\_\_\_  
(Name of person, educational institution or agency)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State and Zip Code)

\_\_\_\_\_  
(Signature of adult student authorizing release of own records/reports)

\_\_\_\_\_  
(Signature of parent/guardian of minor student authorizing of student's records and reports)

\_\_\_\_\_  
(Date of Authorization)

\_\_\_\_\_  
(Date of Authorization)

(Valid for one year from date of authorization)

REQUEST COMPLETED BY \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX F

### CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION REGARDING ALCOHOL & DRUG ABUSE STUDENT RECORDS

I, \_\_\_\_\_, authorize  
(name of student)

\_\_\_\_\_  
(name and title of person making disclosure)

\_\_\_\_\_  
(school)

to disclose to \_\_\_\_\_ the following  
(name of person, title, or organization to which disclosure is to be made)

Information: \_\_\_\_\_  
(nature of information, as limited as possible)

The purpose of this disclosure is to: \_\_\_\_\_  
(purpose of disclosure, as specific as possible)

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

\_\_\_\_\_  
(specification of the date, event or condition upon which this consent expires)

Dated: \_\_\_\_\_  
Signature of Student

This notice accompanies a disclosure of information concerning a client receiving alcohol/drug abuse services, made to you with the consent of such client. This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medial or other information NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

## APPENDIX G

### REQUEST FOR ACCESS TO RECORDS

To the student, his/her parent(s) or guardian(s):

Please complete this request form and give it to the building Principal. When you review the records, you may ask for an explanation or interpretation of any of the information in the records. You may ask for a copy of any of the information and you will be charged \$.15 per page. Copying costs shall be waived for families eligible for free and reduced lunch. Parents or eligible student shall request a fee waiver in writing.

If you should find inaccurate or misleading information in the record you may ask to have it corrected. Please ask questions if there is anything you do not understand.

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

I, \_\_\_\_\_ request that I may see the student records  
of \_\_\_\_\_, grade \_\_\_\_\_  
school \_\_\_\_\_, birthdate \_\_\_\_\_

Relationship to the student: \_\_\_\_\_

\_\_\_\_\_ We are eligible for free and reduced lunch. I request a waiver of the copying cost.

-----  
Request granted, denied (delete one)

You may see the records you have requested on \_\_\_\_\_

at \_\_\_\_\_ in \_\_\_\_\_

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

(signature of responsible authority)

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## APPENDIX H

### REQUEST FOR CORRECTION TO BE MADE IN THE EDUCATION RECORD

I, \_\_\_\_\_, having reviewed the records  
of \_\_\_\_\_, on \_\_\_\_\_,

request that the item(s) I believe to be inaccurate, misleading or violate the privacy or other rights of the student, my reason for this belief, and the correction I request to be made are as follows:

\_\_\_\_\_  
\_\_\_\_\_

(Note: Every effort should be made to resolve disputes regarding the content of the student's records through informed meetings and discussion with the concerned parties.)

Request honored and agreement reached as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

OR

Agreement not reached. Opportunity for a formal hearing requested.

YES \_\_\_ NO \_\_\_

Date: \_\_\_\_\_  
signature of person making request

\_\_\_\_\_  
signature of responsible authority

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## APPENDIX I

### RETENTION OF TEST PROTOCOLS

Test protocols are considered educational data, and as part of a student's record, must be made available if reports based on this test data are called into question. The following steps and considerations should insure an orderly and consistent district procedure:

1. Protocols are defined as the raw data and information collected or completed which is used in the writing of the final assessment report and considered in program placement. This raw data may include video-or audio- tapes as well as traditional written assessment data when used for such diagnostic purposes.
2. Psychologists and other professionals make ethical commitments to insure test security and confidentiality; therefore, test protocols will not be kept in a student's cumulative record folder nor will they be saved for permanent retention as are other documents such as IEP's.
3. Once the final report is distributed and placed in the cumulative file, the case manager (current, temporary, or assigned) will be responsible for collecting all test protocols and placing them in a sealed envelope labeled *protocols*. The protocol envelope will be placed in a secure location separate from the cumulative files.
4. This secure location will be the responsibility of the Administration and the Special Education Department in each building.
5. The envelopes will be filed by school year and by the grade of the students.
6. The existence and location of the protocol envelope will be noted on the locator card and placed in the student's cum file.
7. If a student moves to another school in the district, the envelope containing the protocols will be sent to the school where the student attends. This is consistent with all other district student records. This protocol envelope will be kept by the receiving school in that building's secure location designated for that purpose and will be filed as that building files and maintains their own protocol envelopes.
8. These envelopes are not to be sent to another district should that student move from the Northfield Public Schools.
9. In the event a parent questions the interpretation of data as indicated on the final assessment report, protocols need to be made available for review in the presence of the appropriate school professional/s.
10. The Special Education Department will provide a secure location to each building for protocol retention.
11. If the assessment is done by a subcontractor or by another school district, it will be considered the responsibility of those individuals or agencies.
12. The retention of protocols as described above refers to the data collected for the most recent assessment. Once a new assessment and placement adjustment, if appropriate, has been completed, the protocols retained for previous placement can be destroyed.
13. As with other Special Education records not designated for permanent retention by the district, these protocols (whether they do or do not result in program placement) will be kept for 5 years after the student graduates, leaves the district, or is exited from Special Education. These test protocols will be retained in the building last attended by the student for the full 5-year period.

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## APPENDIX J

### Procedures Related to the District, School and Teacher Web Pages Student Information

- Parents must sign a permission form before any published information by or about students, including pictures or first names, will be released.
- Any references to students will be by first name only.
- There will be no personal references made about staff or students (i.e. home phone numbers, addresses, names of other family members, etc.).
- Published email addresses will be restricted to staff members only.
- Neither staff nor students may publish personal home pages or provide links to their personal pages.

### **Photograph and Student Work Consent Form for 2008-2009 School Year**

Name of Student (please print) \_\_\_\_\_

School (please print) \_\_\_\_\_

Teacher Name and Class/Activity (please print) \_\_\_\_\_

*Please check the appropriate box(es) below and return the form to your student's teacher. If any of your choices change during the school year, please contact your student's school office. Thank you.*

I grant permission to broadcast the above named student's photograph, on the Northfield School District web pages. The District's web pages provide information about school and district programs to students, staff and the general public.

I grant permission for identifiable work created by the above named student to be published on the Northfield School District web pages. I understand that the District's web pages provide information about school and district programs to students, staff and the general public.

Signature of Parent or Legal Guardian \_\_\_\_\_ Date \_\_\_\_\_

Printed Parent or Legal Guardian Name \_\_\_\_\_