

Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

DISTRICT POLICY

POLICY SERIES: Data Privacy and Records

SUBJECT: Student Data Privacy Rights and Access

BOARD APPROVED: February 2013

REVISION DATE:

DPR140 Student Data Privacy Rights and Access

I. PURPOSE

The purpose of this policy is to articulate the Board's responsibility in regard to the collection, maintenance, and dissemination of student data and the protection of the privacy rights of students as provided in federal law and state statutes.

II. GENERAL STATEMENT OF POLICY

The Board is committed to the development, operation and improvement of appropriate and effective educational programs and services that meet each student's individual abilities, interests and needs. To that end, the Board will ensure the proper collection, maintenance and dissemination of student data to record the student's progress in the acquisition of skills and subsequent follow-up.

III. STATEMENT OF RIGHTS AND ACCESS TO STUDENT EDUCATION RECORDS

A. Rights of Parents/Guardians and Eligible Students

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

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

B. Eligible Students

All rights and protections given to parents/guardians under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents/guardians of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents/guardians of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

IV. **DIRECTORY INFORMATION**

Unless the parents/guardians or eligible students have otherwise notified the responsible authority or designee, directory information is that which is available to the public upon written request. The District designates the following as directory information: Student's name, address, telephone listing, electronic mail address, student photograph or video image for school approved publication, date and place of birth, grade level, participation in officially recognized activities, dates of attendance, degrees, honors and awards received, most recent educational agency or institution attended, and name, address and telephone listing of the student's parents/guardians.

V. **RESPONSIBLE AUTHORITY**

The responsible authority has overall responsibility for the maintenance and security of student records. Sandra Lewandowski, Superintendent, 1820 Xenium Lane North, Plymouth, MN 55441, is designated as the responsible authority. The responsible authority delegates to building principals the duty of maintaining and securing the privacy and/or confidentiality of student records within each school building. The building principals shall establish procedures to assure that all student records are accurate, complete, and current for the purposes for which it was collected; and establish appropriate security safeguards for all records containing data on students.

VI. **DATA PRACTICES COMPLIANCE OFFICIAL**

The data practices compliance official shall be responsible for receiving and responding to requests, questions or concerns under this policy. Anne Becker, General Counsel and Director of Human Resources, 1820 Xenium Lane North, Plymouth, MN 55441, is designated as the data practices compliance official.

VII. **PROCEDURES FOR INSPECTION AND REVIEW OF EDUCATION RECORDS**

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

The District shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the District to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in the Disclosure of Private Records section of the student data privacy procedure.

B. Response to Request for Access

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

C. Right to Inspect and Review

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

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

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

The District may presume that either parent of the student has authority to inspect or review the education records of a 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 marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The District shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the 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 District in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
 3. The cost of providing copies shall be borne by the parent or eligible student.
 4. The District may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.
 5. The District reserves the right to make a charge for copies forwarded to potential employers or post-secondary institutions for employment or admissions purposes, e.g. transcripts. 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 appropriate.

VIII. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of student records by the District shall be controlled by state and federal law, as follows:

- A. The District shall comply with the general records retention schedule for school districts approved by the Minnesota Records Disposition Panel.
- B. For data not listed under the retention schedule approved by the Minnesota Records Disposition Panel, the District shall comply with the authority of the proper state or federal agency.
- C. The administration shall develop procedures to assure compliance with state and federal authority on the retention and destruction of records.

Legal References: [Minn. Stat. Ch. 13 \(Minnesota Government Data Practices Act\)](#)
[Minn. Stat. Ch. 14 \(Administrative Procedures Act\)](#)
[Minn. Stat. § 120A.22 \(Compulsory Instruction\)](#)
[Minn. Stat. § 121A.40-121A.56 \(The Pupil Fair Dismissal Act\)](#)
[Minn. Stat. § 121A.75 \(Sharing Disposition Order and Peace Officer Records\)](#)
[Minn. Stat. § 144.341-144.347 \(Consent of Minors for Health Services\)](#)

[Minn. Stat. § 260B.171, Subds. 3 and 5 \(Disposition Order and Peace Officer Records of Children\)](#)
[Minn. Stat. § 363A.42 \(Public Records; Accessibility\)](#)
[Minn. Stat. § 626.556 \(Reporting of Maltreatment of Minors\)](#)
[Minn. Rules Parts 1205.0100-1205.2000 \(Data Practices\)](#)
[10 U.S.C. § 503\(b\) and \(c\) \(Enlistments: Recruiting Campaigns: Compilation of Directory Information\)](#)
[18 U.S.C. § 2331 \(Definitions\)](#)
[18 U.S.C. § 2332b \(Acts of Terrorism Transcending National Boundaries\)](#)
[20 U.S.C. § 1232g *et seq.* \(Family Educational Rights and Privacy Act\)](#)
[20 U.S.C. § 6301 *et seq.* \(No Child Left Behind\)](#)
[20 U.S.C. § 7908 \(Armed Forces Recruiting Information\)](#)
[26 U.S.C. §§ 151 and 152 \(Internal Revenue Code\)](#)
[34 C.F.R. §§ 99.1-99.67 \(Family Educational Rights and Privacy\)](#)
[34 C.F.R. § 300.610-300.627 \(Confidentiality of Information\)](#)
[42 C.F.R. § 2.1 *et seq.* \(Confidentiality of Drug Abuse Patient Records\)](#)
[*Gonzaga University v. Doe*, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 \(2002\)](#)

Cross References: [Reporting the Maltreatment of Minors and Vulnerable Adults Procedure](#)
[Student Data Privacy Procedure](#)