

INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA
SCHOOLS

515 PROTECTION AND PRIVACY OF STUDENT RECORDS

I. PURPOSE

The purpose of this policy is to establish and maintain appropriate individual student records, to ensure the safety of the student in ISD 719 and to provide guidance to district staff regarding the legal custody and access rights of custodial and non-custodial parents. This policy governs both physical access to students while on school property and access to a student's educational records.

II. DEFINITION

"Custodial parent" means the parent/legal guardian who has physical custody of the child.

"Custody" refers to the rights and responsibilities of a parent/legal guardian with respect to a child, including the right to physical access and the right to make decisions with respect to the child's health, education, and welfare in the best interests of the child.

"Educational records" are records that are (a) directly related to the student and (b) maintained by the School District or an employee or agent of the District.

"Directory information," under federal law, means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name;; photograph; 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; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent/legal guardian(s). Directory information does not include:

- a. a student's social security number;
- b. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
- c. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
- d. personally identifiable data which references religion, race, color, social position, or nationality; or
- e. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or legal guardian.

Under Minnesota law, a school district may not designate a student's home address, telephone number, email address, or other personal contact information as "directory

information.”

“Legal Guardian” is defined as a person, other than a parent, who has lawful custody of a child, as established by a court order.

“Legal custody” is the right to make decisions, including educational decisions, for a child.

“Joint legal custody” means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child’s upbringing, including decisions regarding the child’s education.

“Joint physical custody” means that the routine daily care and control and the residence of the child is structured between the parties.

“Non-custodial parent” means a parent who does not have physical custody of a child at the time the right as a parent is asserted. In the case of a court order giving a third party such as legal guardian grandparents, or foster parents the right to physical custody of a child, both biological parents are non-custodial parents. Non-custodial parents can have joint legal custody of their children.

“Parent” means a parent of a student and includes a natural parent, a legal guardian, or an individual acting as a parent in the absence of a parent or legal guardian.

“Physical access” includes the right to visit with and be visited by the child during school hours and on school property.

“Physical custody” means the routine daily care and control and the residence of the child.

III. GENERAL STATEMENT OF POLICY

A. The guidelines for the establishment, maintenance and disposal of student records are as follows:

1. Student cumulative folders and cards shall be retained for a period of five (5) years following graduation, transfer or dropout. After five (5) years, they may be destroyed.
2. Student permanent record cards shall be retained in the building in which the pupil was last enrolled.
3. The student health record should be considered as a part of the cumulative record folder.
4. When a pupil moves out of the district, the cumulative folder shall be forwarded to the new school. The permanent record card should remain in the building where the pupil was last enrolled. A copy of the permanent record card shall be forwarded to the new school upon request.
5. Teacher grade books shall be retained for a period of five (5) years. After five (5) years, they may be destroyed.
6. Student report cards shall be retained for one (1) year. After one (1) year, they may be destroyed.
7. The principal/counselor shall maintain a file that contains grade level standardized testing norms and the results of psychological evaluations.
8. The principal, or the designated representative, shall be the only person(s) authorized to show school records. Requests to view records or have records forwarded to appropriate agencies shall be in accordance with Minnesota Statutes.

B. Data Privacy – Release of Student Information

While the school district must obtain and use certain information about each student to plan the best program possible, this need is balanced with the right of each student and parent to privacy. Therefore, access to this information by third parties is limited and

controlled. (Minn. Statute 13.32 Educational Data and Family Educational Rights and Privacy Act (FERPA)).

The directory information described is the Prior Lake-Savage Area School District's listing of public information. When conducting the directory information designation and notice process required by federal law, the school district shall give parents and students annual notice of the right to refuse to let the district designate specified data about the student as directory information. The parent or student may, however, notify the school in writing that any or all of the information listed here not be released on that individual student. Parents (or students age 18+) who do not want this information to be shared should give notice in writing to the district by October 1st of each year. For information on how to opt out of directory Information and to receive a form, contact the Communications Department.

Directory Information includes:

- Student's name
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Grade level
- Degrees or awards received
- Previous educational agency or institution attended
- Pictures for school-approved publications, yearbooks, electronic newsletters, cable TV or newspapers
- Student pictures, video and artwork on district web pages, including district and school social media sites
- Names and pictures of students participating in or attending extra-curricular activities, school events, and High School League activities or events

C. Disclosure of data to military authorized personnel and post-secondary educational institutions

The school district will release the names, addresses and home telephone numbers of students in grades 11 and 12 to military authorized personnel and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data.

Data released to military authorized personnel under this provision:

1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
3. copying fees shall not be imposed.

A parent or eligible student has the right to refuse the release of the name, address or home telephone number to military authorized personnel and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify the responsible authority in the Communications Department, in writing by October 1st each year. The written request must include the following information:

1. Name of student and parent, as appropriate;
2. Home address;
3. Student's grade level;
4. School presently attended by student;
5. Parent's legal relationship to student, if applicable;
6. Specific category or categories of information which are not to be released to military recruiting officers; and
7. Specific category or categories of information which are not to be released to the public,

including military recruiting officers.

D. Access to Students and Student Records by Custodial and Non-Custodial Parents

It is the policy of Independent School District 719 to promote the constructive involvement of custodial and non-custodial parents in the education of their child by remaining neutral in all custody- related disputes. This policy, however, does not change the legal obligation of school district employees to comply with mandatory reporting requirements.

1. Access to Educational Records

Both custodial and non-custodial parents are presumed to have the right to access or to control access to a student's educational records and the right to be informed by school officials about their student's welfare, educational progress and status. Custodial and non-custodial parents have equal right to inspect and challenge the accuracy of their child's educational records. The fact that the parents are divorced or legally separated does not alter these rights unless the School District has been presented with a court order or other legally binding document terminating the parental rights of the non-custodial parent or denying the non-custodial parent a specific right in a written order.

The School District will develop procedures and make a good faith effort to communicate with non-custodial parents who have legal custody of a student.

If a custodial parent wishes to limit the non-custodial parent's access to a student's educational records, the custodial parent must obtain and present to the school a legally binding document which prevents the release of such information. A copy of the written order must be provided to school officials before the School District will limit a parent's right of access.

2. Physical Access to a Student During the School Day

All parents, whether custodial or non-custodial, may visit a student at school or remove a student from school, provided the parent complies with the District's visitor's policy and does not disrupt the student's program of education. Both custodial and non-custodial parents also have the right to attend parent-teacher conferences, although the District is not required to hold a separate conference for each parent, and the right to attend other school events designed for parents. The fact that the parents are divorced or legally separated does not alter these rights unless a parent provides the District with a court order or other legally binding document specifically prohibiting physical contact between a non-custodial parent or other named individual and a student.

To limit access to a student, a custodial parent is required to file with the District a copy of the form entitled "Notification of Court Order or Restraining Order." The custodial parent's request will remain in effect until the date identified in the custody agreement in the Court Order or in the Restraining Order, or, until the individual named in the legally binding order produces a more recent order granting access to the student.

Issues related to transportation of students having custodial and non-custodial parents by the school district will be governed by the district's transportation policy. By adoption of this Policy, the School Board does not guarantee that it will verify that a student rides the proper school bus. Further, this policy does not guarantee that a student will only be released to the custodial parent, nor that a custodial or non-custodial parent will never be present in the school building as a volunteer, spectator, or parent of other children in the building.

This policy shall be interpreted in accordance with the Family Educational Rights and Privacy Act, the Minnesota Government Data Practices Act, and the Minnesota Marriage Dissolution statute.

Communications Department Contact:

Liz Zimmerman

952-226-0013

ezimmerman@plsas.org

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. § 13.32, Subd. 5 (Directory Information)
 - Minn. Stat. § 13.393 (Attorneys)
 - 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 (Receipt of Records; Sharing)
 - Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
 - Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
 - Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
 - Minn. Stat. Ch. 256L (MinnesotaCare)
 - Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
 - Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
 - Minn. Stat. § 363A.42 (Public Records; Accessibility)
 - Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
 - 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.* (Every Student Succeeds Act)
 - 20 U.S.C. § 7908 (Armed Forces Recruiting Information)
 - 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
 - 25 U.S.C. § 5304 (Definitions – Tribal Organization)
 - 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
 - 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
 - 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
 - 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. 273 309 (2002)
 - Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

- Cross References:**
- Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 - Policy 417 (Chemical Use and Abuse)
 - Policy 506 (Student Discipline)
 - Policy 520 (Student Surveys)
 - Policy 722 (Public Data Requests)
 - MSBA School Law Bulletin "I" (School Records – Privacy – Access to Data)

School Board Adoption: February 12, 2024

Orig: February 2004
Revised: September 2008
January 2010
March 2012
August 2013
May 2015
August 2018
July 2020
March 2023
July 2023
February 2024