

*Success Academy School Policy*

*Adopted: September 15, 2022*

*Revised: \_\_\_\_\_*

## **515 PROTECTION AND PRIVACY OF PUPIL RECORDS**

### **I. PURPOSE**

**Success Academy recognizes its responsibility in regard to the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.**

### **II. GENERAL STATEMENT OF POLICY**

**The following procedures and policies regarding the protection and privacy of parents and students are adopted by Success Academy, pursuant to the requirements of 20 U.S.C. §1232g, *et seq.*, (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.**

### **III. DEFINITIONS**

- **Dates of Attendance**  
Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended school. The term does not include specific daily records of a student's attendance at school.
- **Dependent Student**  
A "dependent student" is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins:
  1. is a full-time student at an educational institution; or
  2. is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.
- **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 student's name, address, telephone listing, electronic mail address, photograph, date, and place 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, and the most recent educational agency or institution attended. 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, social position or nationality.**

#### D. Education Records

1. What constitutes "education records". Education records means those records which: (1) are directly related to a student; and (2) are maintained by Success Academy or by a party acting for Success Academy.
2. What does not constitute an education record. The term "education records" does not include:
  - Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of Success Academy year.
  - Records of a law enforcement unit of Success Academy, provided educational records maintained by Success Academy 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.
  - Records relating to an individual, including a student, who is employed by Success Academy which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and
    - (3) are not available for use for any other purpose.
  - However, these provisions will not apply to records relating to an individual in attendance at Success Academy who is employed as a result of his or her status as a student.
  - Records relating to an eligible student which are:
    - (1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

(2) made, maintained, or used only in connection with the provision of treatment to the student; and

(3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within Success Academy district.

e. Records that only contain information about an individual after he or she is no longer a student at Success Academy.

- Eligible Student

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

- Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

- Legitimate Educational Interest

"Legitimate educational interest" includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

1. Perform an administrative task required in Success Academy or employee's contract or position description approved by Success Academy board;
2. Perform a supervisory or instructional task directly related to the student's education; or
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.
4. Perform a task directly related to responding to a request for data.

- 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. Success Academy 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.

- Personally Identifiable "Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's

parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number; (e) a list of personal characteristics that would make the student's identity easily traceable; or (f) other information that would make the student's identity easily traceable.

- Record

"Record" means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Responsible Authority "Responsible authority" means

- Student

"Student" includes any individual who is or has been in attendance, enrolled or registered at Success Academy and regarding whom Success Academy maintains education records. Student also includes applicants for enrollment or registration at Success Academy and individuals who receive shared time educational services from Success Academy.

- School Official

"School official" includes: (a) a person duly elected to Success Academy board; (b) a person employed by the Success Academy board in an administrative, supervisory, instructional or other professional position; (c) a person employed by Success Academy board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, Success Academy board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee or contractor.

- Summary Data

"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 the individual is ascertainable.

- Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### **IV. GENERAL CLASSIFICATION**

**State law provides that all data collected, created, received or maintained by a school are 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 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 there under.**

## **V. STATEMENT OF RIGHTS**

### **A. Rights of Parents and Eligible Students**

Parents 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 this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of secondary students' names, addresses, and home telephone numbers to military recruiting officers;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Success Academy to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in the COPIES OF POLICY section 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." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the educational records of such student without first obtaining the consent of the student.

## **VI. DISCLOSURE OF EDUCATION RECORDS**

### **A. Consent Required for Disclosure**

1. Success Academy shall obtain a signed and dated written consent of 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.

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 specification of the records to be disclosed;
  - the purpose or purposes of the disclosure;
  - the party or class of parties to whom the disclosure may be made; and
  - if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - if the parent or eligible student so requests, Success Academy shall provide him or her with a copy of the records disclosed; and
  - if the parent of a student who is not an eligible student so requests, Success Academy shall provide the student with a copy of the records disclosed.
4. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:

a. in plain language;

- dated;
- specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- specific as to the nature of the information the subject is authorizing to be disclosed;
- specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e above, both at the time of the disclosure and at any time in the future; and
- specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

5. 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, except as provided in the STATEMENT OF RIGHTS section of this policy.

#### B. Prior Consent for Disclosure Not Required

Success Academy 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 Success Academy whom Success Academy determines to 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. 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 XIX.), suspension and expulsion information pursuant to section 4155 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, Success Academy 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 the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of this policy;
3. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
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
  - determine eligibility for the aid;
  - determine the amount of the aid;
  - determine conditions for the aid; or
  - enforce the terms and conditions of the aid.

5. "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;
6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - 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
  - after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to Success Academy district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, Success Academy shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers;
7. 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. In the event the Department of Education determines that a third party outside of Success Academy to whom information is disclosed violates this provision, Success Academy may not allow that third party access to personally identifiable information from education records for at least five years.
7. To accrediting organizations in order to carry out their accrediting functions;
8. To parents of a dependent student;
9. To comply with a judicial order or lawfully issued subpoena, provided, however, that Success Academy 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 Success Academy 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 Success Academy to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against Success Academy, Success Academy may disclose to the court, without a court order or subpoena, the student's education records that are relevant for Success Academy 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. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the Success Academy community. This information may be disclosed to teachers and school officials within Success Academy and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
11. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
12. Information Success Academy has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy;
13. To military recruiting officers pursuant to the MILITARY RECRUITMENT section of this policy;
14. To the parent of a student who is not an eligible student or to the student himself or herself;
15. 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;
16. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or

17. 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:

- the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
- the existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the administrator who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies Success Academy official of an objection to the disclosure within ten (10) days of receiving certified notice, Success Academy official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, Success Academy official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file.

18. To the administration 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. The administration must notify the counselor immediately and must place the disposition order in the student's permanent education record. The administrator also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom Success Academy believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The administrator may also notify other school employees, substitutes, and volunteers who are in direct contact with the student if Success Academy determines that these individual

need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the administrator must identify the student, outline the offense, and describe any conditions of probation about which Success Academy must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian.

19. To the administrator 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. The administrator must place the information in the student's educational record. The administrator also must notify immediately any teacher, counselor, or administrator directly supervising the student whom Success Academy believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Success Academy may also notify other employees, substitutes, and volunteers who are in direct contact with the student if the administrator determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from Success Academy must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The administrator must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the County Attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the County Attorney or juvenile court notifies the superintendent of such action.

## VII. RELEASE OF DIRECTORY INFORMATION

- Classification  
Directory information is public except as provided herein.
- Former Students  
Unless a former student affirmatively opted out of the release of directory information in his or her last year of attendance, Success Academy may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” Success Academy may release records that only contain information about an individual obtained after he or she is no longer a student at Success Academy .
- Present Students and Parents  
Success Academy may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure Success Academy shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:

- the types of personally identifiable information regarding students and/or parents that Success Academy has designated as directory information;
- the parent’s or eligible student’s right to refuse to let Success Academy designate any or all of those types of information about the student and/or the parent as directory information; and
- the period of time in which a parent or eligible student has to notify Success Academy in writing that he or she does not want any or all of those types of information about the student and/or the parent 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 Success Academy in writing that any or all of the information so designated should not be disclosed without the parent’s or eligible student’s prior written consent, except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy.

- Procedure for Obtaining Nondisclosure of Directory Information  
The parent’s or eligible student’s written notice shall be directed to the responsible authority and shall include the following:
  1. Name of the student and/or parent, as appropriate;

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, which shall only be applicable for that school year.
- Duration  
The designation of any information as directory information about a student or parents will remain in effect for the remainder of Success Academy year unless the parent or eligible student provides the written notifications provided herein.

## **VIII. DISCLOSURE OF PRIVATE RECORDS**

- 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 who is the subject of the data and the student's parent if the student is not an eligible student. Success Academy may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student.
- Private Records Not Accessible to Parent  
In certain cases state law intends, and clearly provides, that certain information contained in the education records of Success Academy pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. 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:

- 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;
- whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;

- 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
- whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, 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.

## **IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

- 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 parents or to an eligible student.
- 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 Success Academy . 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.
- Investigative Data  
Data collected by Success Academy 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.
  1. Success Academy may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if Success Academy determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
  2. A complainant has access to a statement he or she provided to Success Academy .

3. 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 Success Academy not to pursue the civil legal action. However, such investigation may subsequently become active if Success Academy 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.
4. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

#### **X. 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 records pertaining to the student, including any tests or reports upon which the action proposed by Success Academy may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, et seq.**

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

- **Success Academy will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to military recruiters pursuant to Paragraph C. below.**
- **Data released to military recruiting officers 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; and
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify

the responsible authority, in writing, by October 1st of 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 recruiters; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiters.
- Annually, Success Academy will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of middle school students without prior consent.
  - A parent or eligible student's refusal to release the above information to military recruiting officers does not affect Success Academy's release of directory information to the rest of the public, which includes military recruiting officers. In order to make any directory information about a student private, the procedures contained in the RELEASE OF DIRECTORY INFORMATION section of this policy also must be followed. Accordingly, to the extent Success Academy has designated the name, address, phone number, and grade level of students as directory information absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisdisclosure**

Consistent with the requirements herein, Success Academy 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.

- Redisdisclosure Not Prohibited
  1. Subdivision A. of this section does not preclude Success Academy from disclosing personally identifiable information under the DISCLOSURE OF



EDUCATION RECORDS section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of Success Academy provided:

- The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and
- Success Academy has complied with the record-keeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student, or to parents of dependent students.

- **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 Success Academy.

- **Notification**

Success Academy shall, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, Success Academy shall inform the party to whom a disclosure is made of the requirements set forth in this section. In the event that the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

### **XIII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING**

- **Responsible Authority**

The responsible authority shall be responsible for the maintenance and security of student records.

- **Record Security**

The administration of each school subject to the supervision and control of the Executive Director shall be the records manager of Success Academy, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

### C. Plan for Securing Student Records

The Executive Director will prepare a written plan for securing students records by September 1 of each school year. 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. Record Keeping

1. The office manager 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:
  - the parties who have requested or received personally identifiable information from the education records of the student; and
  - the legitimate interests these parties had in requesting or obtaining the information;
2. In the event, Success Academy discloses personally identifiable information from an education record of a student pursuant of the LIMITS ON REDISCLOSURE section of this policy, the record of disclosure required under this section shall also include:
  - the names of the additional parties to which the receiving party may disclose the information on behalf of Success Academy; and
  - the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS which each of the additional parties has in requesting or obtaining the information.
3. Paragraph (1) of Record Keeping does not apply to requests by or disclosure 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, requests by or disclosures to other school officials under Paragraph B.1 of the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or to a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed.

4. The record of requests of disclosures may be inspected by:
  - the parent of the student or the eligible student;
  - Success Academy official or his or her assistants who are responsible for the custody of the records; and
  - the parties authorized by law to audit the record-keeping procedures of Success Academy.
5. The record of requests and disclosures shall be maintained with the education records of the student as long as Success Academy maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is also a Dependent Student  
Success Academy 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 Success Academy 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 this policy.
- Response to Request for Access  
Success Academy 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.
- 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 Success Academy 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, Success Academy 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.

Form of Request Parents or eligible students shall submit to Success Academy a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

- 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, Success Academy 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.

- **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.
- **Authority to Inspect or Review**  
Success Academy may presume that either parent of the student has authority to inspect or review the education records of a student unless Success Academy 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.
- **Fees for Copies of Records**

1. Success Academy 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, Success Academy district shall consider the following:

- the cost of materials, including paper, used to provide the copies;
- the cost of the labor required to prepare the copies;
- any schedule of standard copying charges established by Success Academy in its normal course of operations;
- any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
- mailing costs.

The cost of providing copies shall be borne by the parent or eligible student.

2. 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.
3. Success Academy 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 from actual search/retrieval and copying costs, plus postage if that is involved.

## **XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

- 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 or violates the privacy or other rights of the student may request that Success Academy amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading 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 requestor wishes Success Academy to make. The request shall be signed and dated by the requestor.
2. Success Academy shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If Success Academy decides to refuse to amend the education records of the student in accordance with the request, it shall 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 Subdivision B. of this section.

- Right to a Hearing

If Success Academy refuses to amend the education records of a student, Success Academy, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, Success Academy decides that the information is

inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, 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, Success Academy decides that the information is not inaccurate, misleading, 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 a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of Success Academy or both.

3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - be maintained by Success Academy as part of the education records of the student so long as the record or contested portion thereof is maintained by Success Academy, and
  - if the education records of the student or the contested portion thereof is disclosed by Success Academy to any party, the explanation shall also be disclosed to that party.

#### C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after Success Academy 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 any individual, including an official of Success Academy who does not have a direct interest in the outcome of the hearing. Success Academy board attorney shall be in attendance to present Success Academy board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. Success Academy 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.

#### D. Appeal

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

### **XVI. COMPLAINTS FOR NONCOMPLIANCE**

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

- **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.

## **XVII. WAIVER**

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. Success Academy may not require such a waiver.

## **XIII. ANNUAL NOTIFICATION OF RIGHTS**

### **A. Contents of Notice**

Success Academy 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 and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek 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 and the procedure for requesting amendment of records;
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 515-22

U.S. Department of Education regarding an alleged failure by Success Academy district to comply with the requirements of 20 U.S.C. §1232g, and the rules promulgated thereunder;

5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom Success Academy district has determined to have legitimate educational interests; and

6. That Success Academy forwards education records on request to a school 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.
- Notification to Parents of Students Having a Primary Home Language Other Than English  
Success Academy shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.
- Notification to Parents or Eligible Students Who are Disabled  
Success Academy shall provide for the need to effectively notify parents or eligible students identified as disabled.

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

Destruction and retention of records by Success Academy shall be controlled by state and federal law that establishes minimum retention periods for school district records.

## **XXX. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the of the Executive Director.

### ***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)

Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)

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. § 626.556 (Reporting of Maltreatment of Minors)

Minn. Rules Parts 1205.0100-1205.2000

20 U.S.C. Sec. 1232g *et seq.* (Family Educational Rights and Privacy Act) 26 U.S.C. Secs. 151 and 152 (Internal Revenue Code)

34 C.F.R. Secs. 99.1-99.67

"No Child Left Behind Act of 2001," P.L. 107-110 515-23 and 515-24



