

Policy Committee Meeting
Tuesday, June 1, 2021 4:30 PM

Online Meeting

Agenda

- 1) Call to Order and Roll Call
- 2) Adoption of Agenda
- 3) Acceptance of Minutes
 - a. April 27, 2021 Draft Committee Minutes
- 4) Reports and Discussion
 - a. 2021-2022 Equity and Diversity Impact Assessment (EDIA) Recommendation
- 5) New Business
 - a. Recommendation of Proposed EDIA
 - b. Repeal of Policy 1040 and Adoption of Policies 3504 (Public Data Requests), 4200 (Personnel Data), and 5690 (Student Data)
 - c. Adoption of School District General Records Retention Schedule
- 6) Adjournment

**OFFICIAL MINUTES
MINNEAPOLIS BOARD OF EDUCATION**

**POLICY COMMITTEE MEETING
APRIL 27, 2021**

CALL TO ORDER

Chair Josh Pauly called the meeting to order at 4:00 p.m., a quorum being present.

Pursuant to Minnesota Statutes Section 13D.021, the meeting was held by electronic means and Directors participated remotely due to the local public health emergency (COVID-19 pandemic).

ROLL CALL

Present: Directors Jenny Arneson, Siad Ali, Adriana Cerrillo, Kim Ellison, Josh Pauly (5)

Absent: (0)

APPROVAL OF AGENDA

Arneson moved to approve the agenda.

On roll call, the result was:

Aye: Arneson, Ali, Cerrillo, Ellison, Pauly (5)

No: (0)

Absent:

Adopted.

APPROVAL OF MINUTES

Arneson moved to approve the minutes from the March 23, 2021 meeting.

On roll call, the result was:

Aye: Arneson, Ali, Cerrillo, Ellison, Pauly (5)

No: (0)

Absent:

Adopted.

REPORTS AND DISCUSSION

Staff presented an overview of policies related to parent and community school groups, including policy on gifts, fundraising, school site councils, and parent/teacher organizations. Committee members discussed and no action was taken.

ADJOURNMENT

Arneson moved to adjourn.

On roll call, the result was:

Aye: Arneson, Ali, Cerrillo, Ellison, Pauly (5)

No: (0)

Absent:

Adopted.

The meeting was adjourned at 4:53 p.m.

Minutes submitted by Ryan Strack, Administrator of Board and Government Relations.

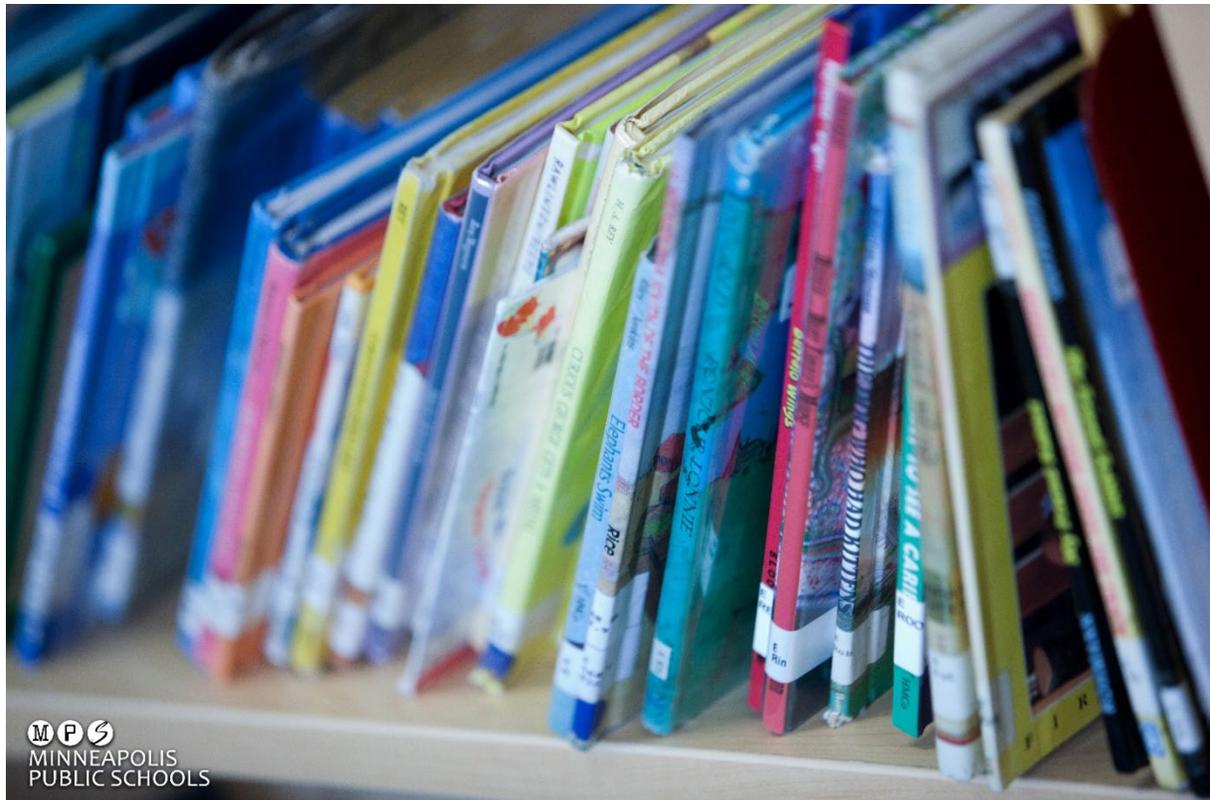
Meeting materials: <https://meetings.boardbook.org/Public/Agenda/1807?meeting=465857>

Meeting video: <https://mps.eduvision.tv/Share.aspx?q=3SfVi13wT7QLTr01iKojTA%253d%253d>

EDIA Review



MPS
MINNEAPOLIS
PUBLIC SCHOOLS



MPS
MINNEAPOLIS
PUBLIC SCHOOLS

June 1, 2021

Accountability,
Research and Equity
(ARE)



MINNEAPOLIS
PUBLIC SCHOOLS
Urban Education. Global Citizens.

EDIA Processes - Two New Projects



Full Equity and Diversity Impact Assessment

The Full EDIA process is designed to walk senior and department leaders through three phases (a study, action plan and implementation, and progress monitoring). Additionally, MPS partners with the EDIA Committee, who provides equity considerations.

Equity Considerations for Budgeting

The Equity Considerations for Budgeting process is designed to walk school and department leaders through steps for an equity-driven budget planning process. All schools and departments are required to complete an Equity Considerations for Budgeting document during budget-tie-out.

Equity Considerations for Policies

The Equity Considerations for Policies Process supports the MPS policy review efforts established by the Board Policy Committee. When policies are periodically reviewed and updated or when new policies are recommended, policy owners complete an Equity Considerations for Policies document to describe how they have used an equity-driven lens to develop the policy revision or proposal.

Equity Considerations for Practices

The Equity Considerations for Practices process is designed to walk senior and department leaders through an equity-driven process for proposing a practice change. Examples of changes to a practice include but are not limited to curriculum changes for pre-K through 12th grade students, changes to grading practices, and changes to required student assessments.

Full EDIA on School Fundraising

To what extent are funds raised and received from external sources (i.e., parent, alumni, or external fundraising groups) used equitably?

- **Two focuses:** Process and Policies
 - [Policy 5540: Fundraising](#)
 - [Regulation 5540A: Fundraising Limitations And Procedures](#)
 - [Regulation 5540B: Sale Of Tickets](#)
 - [Policy 3280: Gifts, Bequests And Grants](#)
 - [Regulation 3280A: Accepting Gifts, Bequests Or Grants](#)
 - [Policy 1720: External Funds](#)
 - [Regulation 1720A: Administration Of External Funds](#)
 - [Policy 1310: PTA, PTO, and Other School-Community Organizations](#)
- **Timeline:** Complete by November

Full Equity and Diversity Impact Assessment

The Full EDIA process **involves three phases**: 1) Conducting a **study** to identify and examine inequities in policies and its practices; 2) Developing and **implementing an Action Plan** that addresses the findings from the EDIA Study; and 3) **Monitoring Progress** by tracking progress on the action plan implementation. Additionally, **MPS partners with the EDIA Committee**, an advisory and consulting group who provides equity considerations.

Here's what the process entails:

**Board of Education and
Superintendent Request
a Full EDIA**

Year 1: June 2021

Phase I: EDIA Study

Identify and examine
inequities in policies and
practices

Year 1: June-September 21

**Phase II: Action Plan &
Implementation**

Efforts to Address EDIA
Findings

October-Nov 21

(Impact Budget SY 22-23)

**Phase III: Progress
Monitoring**

Track Progress on Action Plan
Implementation

September 2022

(Monitoring 2022-2025)

Equity Considerations for Policy on Site Council

To what extent are schools implementing Site Councils according to MPS' Site Council Policy 1692?

- [Site Council Policy 1692](#)
 - [Site Council Governance Regulation 1692A](#)
- **Timeline:** Complete by November

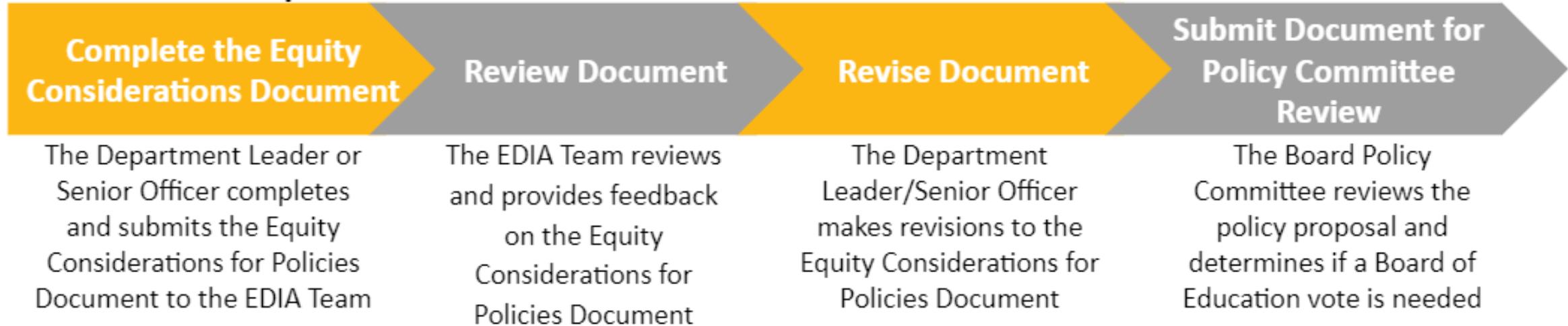
EDIA Processes: Equity Considerations for Policies



Equity Considerations for Policies

The Equity Considerations for Policies Process **supports the MPS policy review efforts established by the Board Policy Committee**. When policies are periodically reviewed and updated or when new policies are proposed that significantly impact student learning, departments and policy owners are tasked with recording in an Equity Considerations for Policies document how they have used an **equity-driven lens to develop the policy revision or proposal**.

Here's what the process entails:



The Equity Considerations for Policies document will ask department leaders/senior officers to describe their proposal, any anticipated impacts, what meaningful engagement was carried out, what current problem or inequity is being addressed, and what mitigation plan is in place to address potential negative impacts.

Equity Considerations for Policies Document

Equity Considerations for Policies



Identify Your Policy Recommendation

Recommended Policy Change

New Policy

Current
Policy

Recommended
Policy Change

Additional
Information

Meaningful Inclusion of Diverse Perspectives

<i>Internal Engagement including staff</i>	<i>External Engagement including students, families, and community members</i>

Identify the Current Problem

<i>Root Causes or Factors (within MPS' locus of control)</i>	<i>Root Causes or Factors (outside of MPS' locus of control)</i>

Equity Considerations if the Policy Recommendation is Approved/Implemented

<i>Impact</i>

<i>Group(s) Positively Impacted</i>	<i>How the Approved Recommended Policy will Positively Impact the Group(s)</i>

<i>Group(s) Negatively Impacted</i>	<i>Mitigation Plan</i>

SECTION 1: REPEAL “Policy 1040: Student And Staff Data Protection” of the Minneapolis Public Schools Policies & Regulations is hereby *repealed* as follows:

REPEAL

~~Policy 1040: Student And Staff Data Protection~~ (Repealed)

1. PURPOSE

The Board of Directors recognizes students and their families as well as employees of the District have a right to privacy in the records collected, created, maintained and disseminated by the District. The Board also recognizes that the public has a need and a right to know relevant information about the operation of schools in the District within the limits expressed in the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act (FERPA). The purpose of this policy is to adopt measures regarding the protection of privacy of students, their families and District employees pursuant to the requirements of federal and state laws governing individual privacy, openness in government and orderly and efficient operation of the district.

2. GENERAL STATEMENT OF POLICY

- a. The Board of Directors shall appoint a Responsible Authority and a Compliance Official for the District. The Responsible Authority and the Compliance Official may be the same person.
- b. The Superintendent shall adopt and implement procedures for access to records by the public, by district employees who have a need for access, by parents and by the data subject. Procedures to gain access to data and the rights of data subject must be made available to the public.

3. DIRECTORY INFORMATION

- a. Right to Privacy. Directory Information is available on the following bases unless the parent or person acting as parent, or a student who is over the age of 18 has requested that the information not be available to the public.
- b. General Public Access. The following information is designated as Directory Information regarding any student or employee to any member of the public not identified in paragraph 4C.
 - i. Name, height and weight of individual members of athletic teams;
 - ii. Name of recipient and name of award or scholarship received, and
 - iii. Names of participants in officially recognized school activities.
- c. Government Agencies. In addition to the information available to the general public, the following information is designated as Directory Information regarding any student or the student's identified parent or person acting as the parent to the student to any properly identified member of a governmental agency:
 - i. Name
 - ii. Home Address(es)

- iii. Telephone Number(s)
- iv. School of enrollment
- v. Photograph, audio or video image
- vi. Electronic mail address
- vii. Date of Birth
- viii. Dates of attendance
- ix. Grade level

4. RESPONSIBILITY

- a. The Superintendent is authorized to promulgate regulations for the implementation of this policy.
- b. The Superintendent shall propose an appropriate employee to act as the Responsible Authority and the Compliance Official for the District to the Board of Directors.
- c. It is the responsibility of all employees to abide by the requirements of this policy.

Original Adoption:

11/10/2002

Revision Dates:

08/14/2007, 08/28/2012

Legal References:

- 20 USC 1232g (Family Educational Rights and Privacy Act [FERPA])
- 34 CFR Part 99 (Family Educational Rights and Privacy Act [FERPA] Regulations)
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Rules Chapter 1205 (Data Practices)

SECTION 2: **ADOPTION** “Policy 3504: Public Data Requests” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 3504: Public Data Requests(*Added*)

1. PURPOSE

The school district recognizes its responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

2. GENERAL STATEMENT OF POLICY

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

3. DEFINITIONS

- a. “*Government data*” means all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc.
- b. “*Inspection*” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.
- c. “*Public data*” means all government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.
- d. “*Responsible authority*” means the individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.
- e. “*Data practices compliance official*” is the designated employee by the responsible authority to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- f. “*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.

4. REQUESTS FOR PUBLIC DATA

- a. All requests for public data must be made in writing directed to the responsible authority or through a designated form or application.
 - i. A request for public data must include the following information:
 - (1) Date the request is made;
 - (2) A clear description of the data requested;
 - (3) Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - (4) Method to contact the requestor (such as phone number, address, or email address).
 - ii. A requestor is not required to explain the reason for the data request.
 - iii. The identity of the requestor is public, if provided, but cannot be required by the government entity.
 - iv. The responsible authority or designee may seek clarification from the

requestor if the request is not clear before providing a response to the data request.

- b. The responsible authority will respond to a data request at reasonable times and places as follows:
 - i. The responsible authority will notify the requestor in writing as follows:
 - (1) The requested data does not exist; or
 - (2) The requested data does exist but either all or a portion of the data is not accessible to the requestor; or
 - (A) If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
 - (B) Upon the request of a requestor who is denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
 - (3) The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed.
 - ii. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
 - iii. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
 - iv. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
 - v. The school district is not required to respond to questions that are not

about a particular data request or requests for data in general.

5. REQUEST FOR SUMMARY DATA

- a. A request for the preparation of summary data shall be made in writing directed to the responsible authority.
 - i. A request for the preparation of summary data must include the following information:
 - (1) Date the request is made;
 - (2) A clear description of the data requested;
 - (3) Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
 - (4) Method to contact requestor (phone number, address, or email address).
- b. The responsible authority or designee will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of the following:
 - i. The estimated costs of preparing the summary data, if any; and
 - ii. The summary data requested; or
 - iii. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
 - iv. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise the private or confidential data
- c. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

6. COSTS

- a. Public Data
 - i. The school district will charge for copies provided as follows:
 - (1) 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
 - (2) More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - (A) The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any).
 - (B) Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will

- be charged
- ii. All charges must be paid for in cash in advance of receiving the copies.
- b. Summary Data
 - i. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
 - ii. The school district may assess costs associated with the preparation of summary data as follows:
 - (1) The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
 - (2) The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

SECTION 3: **ADOPTION** “Policy 4200: Personnel Data” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 4200: Personnel Data(*Added*)

1. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

2. GENERAL STATEMENT OF POLICY

- a. All data on individuals collected, created, received, maintained or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.
- b. All other data on individuals is private or confidential

3. DEFINITIONS

- a. “*Public*” means that the data is available to anyone who requests it.
- b. “*Private*” means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.
- c. “*Confidential*” means the data is not available to the subject.
- d. “*Parking space leasing data*” means the following government data on an application for, or lease of, a parking space: residence address, home

telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.

- e. “*Personnel data*” means government data on individuals maintained because they are or were employees of the school district, applicants for employment, or volunteers or independent contractors for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- f. “*Finalist*” means an individual who is selected to be interviewed by the appointing authority prior to selection.
- g. “*Protected health information*” means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. “Protected health information” excludes health information in education records covered by the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- h. “*Public officials*” means business managers; human resource directors; athletic directors whose duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

4. PUBLIC PERSONNEL DATA

- a. The following information on employees, including volunteers and independent contractors, is public:
 - i. name;
 - ii. employee identification number, which may not be the employee’s social security number;
 - iii. actual gross salary;
 - iv. salary range;
 - v. terms and conditions of employment relationship;
 - vi. contract fees;
 - vii. actual gross pension;
 - viii. the value and nature of employer-paid fringe benefits;
 - ix. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 - x. job title;
 - xi. bargaining unit;
 - xii. job description;
 - xiii. education and training background;
 - xiv. previous work experience;

- xv. date of first and last employment;
 - xvi. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
 - xvii. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
 - xviii. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
 - xix. work location;
 - xx. work telephone number;
 - xxi. badge number;
 - xxii. work-related continuing education;
 - xxiii. honors and awards received; and
 - xxiv. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.
- b. The following information on applicants for employment is public:
- i. veteran status;
 - ii. relevant test scores;
 - iii. rank on eligible list;
 - iv. job history;
 - v. education and training; and
 - vi. work availability.
- c. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- d. Applicants for appointment to a public body.
- i. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
 - (1) name;
 - (2) city of residence, except when the appointment has a residency requirement that requires the entire address to be

- public;
 - (3) education and training;
 - (4) employment history;
 - (5) volunteer work;
 - (6) awards and honors;
 - (7) prior government service;
 - (8) any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn. Stat. § 15.0597; and
 - (9) veteran status.
- ii. Once an individual is appointed to a public body, the following additional items of data are public:
- (1) residential address;
 - (2) either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
 - (3) first and last dates of service on the public body;
 - (4) the existence and status of any complaints or charges against an appointee; and
 - (5) upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
- iii. Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- e. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.
- f. Data relating to a complaint or charge against a public official is public only if:
- (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
 - (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made

public by this provision.

5. PRIVATE PERSONNEL DATA

- a. All other personnel data are private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- b. Data pertaining to an employee's dependents are private data on individuals.
- c. Data created, collected or maintained by the school district to administer employee assistance programs are private.
- d. Parking space leasing data are private.
- e. An individual's checking account number is private when submitted to a government entity.
- f. Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- g. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
- h. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - i. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - ii. a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - iii. a court, law enforcement agency, or prosecuting authority.
- i. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- j. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- k. To the extent as allowed by federal law, when allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that data would:
 - i. threaten the personal safety of the complainant or a witness; or
 - ii. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may

be necessary for the employee to prepare for the proceeding.

- l. The school district shall make any report to the Minnesota Professional Educator Licensing and Standards Board or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- m. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- n. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- o. The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- p. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.
- q. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.
- r. Personal home contact information for employees may be used by the school

district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.

- s. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- t. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Minnesota Professional Educator Licensing and Standards Board and the licensing division at MDE with the necessary and relevant information to enable the Minnesota Professional Educator Licensing and Standards Board and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Minnesota Professional Educator Licensing and Standards Board and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

6. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

7. CHANGE IN CLASSIFICATIONS

The school district shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the

possession of the disseminating or receiving agency.

8. **RESPONSIBLE AUTHORITY**

Contact for the authority responsible for personnel data can be found at:
<https://board.mpls.k12.mn.us/publicdatarequests>.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.37 (General Nonpublic Data)

Minn. Stat. § 13.39 (Civil Investigation Data)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)

Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)

Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)

P.L. 104-191 (HIPAA)

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

SECTION 4: **ADOPTION** “Policy 5690: Student Data” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

ADOPTION

Policy 5690: Student Data(*Added*)

1. **PURPOSE**

The school district 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.

2. **GENERAL STATEMENT OF POLICY**

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, et seq., (Family Educational Rights and Privacy Act (FERPA)) 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.

3. **DEFINITIONS**

a. “*Authorized representative*” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection

with federal legal requirements that relate to these programs.

- b. “*Biometric record*,” as referred to in “*Personally Identifiable*,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).
- c. “*Dates of attendance*,” as referred to in “*Directory Information*,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools in the school district.
- d. “*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.
 - i. *General Public Access*. The following information is designated as directory information to any member of the public not identified in section 3.d.ii:
 - (1) Name, height and weight of individual members of athletic teams;
 - (2) Name of recipient and name of award or scholarship received, and
 - (3) Names of participants in officially recognized school activities.
 - ii. *Government Agency Access*. In addition to the information available to the general public, the following information is designated as directory information regarding any student or the student’s identified parent or person acting as the parent to the student to any properly identified member of a governmental agency:
 - (1) Name
 - (2) Home Address(es)
 - (3) Telephone Number(s)
 - (4) School of enrollment
 - (5) Photograph, audio or video image
 - (6) Electronic mail address
 - (7) Date of Birth
 - (8) Dates of attendance
 - (9) Grade level
 - iii. Directory information does not include:
 - (1) a student’s social security number;
 - (2) 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;

- (3) 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;
- (4) personally identifiable data which references religion, race, color, social position, or nationality; or
- (5) 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 guardian.

e. "*Education Records*"

- i. What constitutes "education records." Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
- ii. What does not constitute an education record. The term, "education records," does not include:
 - (1) Records of instructional personnel which:
 - (A) are in the sole possession of the maker of the record; and
 - (B) are not accessible or revealed to any other individual except a substitute teacher; and
 - (C) are destroyed at the end of the school year.
 - (2) Records relating to an individual, including a student, who is employed by the school district which:
 - (A) are made and maintained in the normal course of business;
 - (B) relate exclusively to the individual in that individual's capacity as an employee; and
 - (C) are not available for use for any other purpose.
 - (3) Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
 - (A) 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;
 - (B) made, maintained, or used only in connection with the provision of treatment to the student; and
 - (C) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- (4) Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.
- f. "*Eligible student*" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.
 - g. "*Juvenile justice system*" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
 - h. "*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:
 - i. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
 - ii. Perform a supervisory or instructional task directly related to the student's education; or
 - iii. 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.
 - iv. Perform a task directly related to responding to a request for data.
 - i. "*Parent*" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.
 - j. "*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 or biometric record; (e) other direct identifiers, such as the student's

date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

- k. "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.
- l. "Responsible authority" means the individual designated by the School Board.
- m. "Student" includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.
- n. "School official" includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school 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, the school board to perform a special task such as a secretary, a clerk, a 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.
- o. "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.
- p. All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

4. GENERAL CLASSIFICATION

- a. State law provides that all data collected, created, received, or maintained by a school district 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 district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

5. STATEMENT OF RIGHTS

- a. *Rights of Parents and Eligible Students*

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

- i. The right to inspect and review the student’s education records;
- ii. 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;
- iii. 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;
- iv. 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;
- v. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
- vi. The right to be informed about rights under the federal law; and
- vii. The right to obtain a copy of this policy at the location set forth in Section 21 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 education records of such student without first obtaining the consent of the student. In addition, parents 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).

c. *Students with Disabilities*

The school district shall also follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

6. DISCLOSURE OF EDUCATION RECORDS

a. *Consent Required for Disclosure*

- i. The school district shall obtain a signed and dated written informed 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.
- ii. 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:
 - (1) a specification of the records to be disclosed;
 - (2) the purpose or purposes of the disclosure;
 - (3) the party or class of parties to whom the disclosure may be

- made;
 - (4) the consequences of giving informed consent; and
 - (5) if appropriate, a termination date for the consent.
- iii. When a disclosure is made under this subdivision:
- (1) if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
 - (2) if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
- iv. A signed and dated written consent may include a record and signature in electronic form that:
- (1) identifies and authenticates a particular person as the source of the electronic consent; and
 - (2) indicates such person's approval of the information contained in the electronic consent.
- v. 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:
- (1) in plain language;
 - (2) dated;
 - (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - (4) specific as to the nature of the information the subject is authorizing to be disclosed;
 - (5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
 - (6) 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
 - (7) 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.

vi. *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 section 5 of this policy.

b. *Prior Consent for Disclosure Not Required*

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- i. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
- ii. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - (1) performs an institutional service or function for which the school district would otherwise use employees;
 - (2) is under the direct control of the school district with respect to the use and maintenance of education records; and
 - (3) will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
- iii. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. 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 Section 19), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds 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, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an

opportunity for a hearing to challenge the content of those records in accordance with Section 15 of this policy;

- iv. 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;
- v. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - (1) To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - (A) determine eligibility for the aid;
 - (B) determine the amount of the aid;
 - (C) determine conditions for the aid; or
 - (D) enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

- vi. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - (1) 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
 - (2) 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 the school 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, the school district 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.

- vii. 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 who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. 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 the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;
- viii. To accrediting organizations in order to carry out their accrediting functions;
- ix. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
- x. 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, or the disclosure is in compliance with an ex parte court order obtained

by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. 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;

- xi. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section 13.E. of this policy. In addition, an educational agency or institution may include in the education 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 school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
- xii. 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;
- xiii. Information the school district has designated as "directory information" pursuant to Section 7 of this policy;
- xiv. To military recruiting officers and post-secondary educational institutions pursuant to Section 11 of this policy;

- xv. To the parent of a student who is not an eligible student or to the student himself or herself;
- xvi. 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;
- xvii. 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;
- xviii. 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:
 - (1) 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, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
 - (2) the existence of the following information about a student, not the actual data or other information contained in the student's education 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 principal or chief administrative officer of a school 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 the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school 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,

the school 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.

- xix. 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. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal 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 principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal 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 principal must identify the student, outline the offense, and describe any conditions of probation about which the school 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;
- xx. 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. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal 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 principal may also notify other district employees, substitutes, and volunteers who are in direct contact with

the student if the principal 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 the principal 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 principal must delete the peace officer's record from the student's education 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; or

- xxi. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
- xxii. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or

organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

c. *Nonpublic School Students*

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- i. Pursuant to a valid court order;
- ii. Pursuant to a statute specifically authorizing access to the private data;
or
- iii. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

7. RELEASE OF DIRECTORY INFORMATION

a. *Classification*

Directory information is public except as provided herein.

b. *Former Students*

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district 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," the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district).

c. *Present Students and Parents*

The school district 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 the school district shall:

- i. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
 - (1) the types of personally identifiable information regarding

- students and/or parents that the school district has designated as directory information;
- (2) the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
 - (3) the period of time in which a parent or eligible student has to notify the school district 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.
- ii. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section 6 of this policy.
 - iii. A parent or eligible student may not opt out of the directory information disclosures to:
 - (1) prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
 - (2) prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
 - iv. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section 6.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.
- d. *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:
- i. Name of the student and/or parent, as appropriate;
 - ii. Home address;
 - iii. School presently attended by student;
 - iv. Parent's legal relationship to student, if applicable; and
 - v. 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.
- e. *Duration*
- The designation of any information as directory information about a student or

parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

8. DISCLOSURE OF PRIVATE RECORDS

a. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section 6 of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

b. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

- i. 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:
 - (1) 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;
 - (2) whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
 - (3) whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
 - (4) 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
 - (5) 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.

9. DISCLOSURE OF CONFIDENTIAL RECORDS

a. *Confidential Records*

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

b. *Reports Under the Maltreatment of Minors Reporting Act*

Pursuant to Minn. Stat. § 626.556, written copies of 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.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

c. *Investigative Data*

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

- i. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
- ii. A complainant has access to a statement he or she provided to the school district.
- iii. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students,

school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.

iv. 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:

(1) 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;

(2) the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action;
or

(3) the exhaustion or expiration of rights of appeal by either party to the civil legal action.

v. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

d. *Chemical Abuse Records*

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

10. 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.

11. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

a. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers 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 pursuant to Paragraph C. below.

- b. Data released to military recruiting officers under this provision:
 - i. 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
 - ii. 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 and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority in writing by October 1 each year. The written request must include the following information:
 - i. Name of student and parent, as appropriate;
 - ii. Home address;
 - iii. Student's grade level;
 - iv. School presently attended by student;
 - v. Parent's legal relationship to student, if applicable;
 - vi. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
 - vii. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- d. Annually, the school district 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 students in grades 11 and 12 without prior consent.
- e. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section 7 of this policy also must be followed. Accordingly, to the extent the school district 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 and post-secondary

educational institutions.

12. LIMITS ON REDISCLOSURE

a. *Redisclosure*

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

b. *Redisclosure Not Prohibited*

i. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section 6 of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

- (1) The disclosures meet the requirements of Section 6 of this policy; and
- (2) The school district has complied with the record-keeping requirements of Section 13 of this policy.

ii. 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, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section 12.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

c. *Classification of Disclosed Data*

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

d. *Notification*

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section 7 of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal

agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

13. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

a. *Responsible Authority*

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

b. *Record Security*

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

c. *Plan for Securing Student Records*

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

- i. A description of records maintained;
- ii. Titles and addresses of person(s) responsible for the security of student records;
- iii. Location of student records, by category, in the buildings;
- iv. Means of securing student records; and
- v. Procedures for access and disclosure.

d. *Review of Written Plan for Securing Student Records*

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

e. *Record Keeping*

- i. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
 - (1) the parties who have requested or received personally identifiable information from the education records of the student;
 - (2) the legitimate interests these parties had in requesting or obtaining the information; and

- (3) the names of the state and local educational authorities and federal officials and agencies listed in Section 6.B.iv. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
- ii. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section 12.B. of this policy, the record of disclosure required under this section shall also include:
 - (1) the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 - (2) the legitimate interests under Section 6 of this policy which each of the additional parties has in requesting or obtaining the information; and
 - (3) a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section 6.B.iv. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
- iii. Section 13.E.i. 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 Section 6.B.i. of this policy, to requests for disclosures of directory information under Section 7 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 or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
- iv. The record of requests of disclosures may be inspected by:
 - (1) the parent of the student or the eligible student;
 - (2) the school official or his or her assistants who are responsible

- for the custody of the records; and
- (3) the parties authorized by law to audit the record-keeping procedures of the school district.
- v. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - (1) the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - (2) the parties to whom the school district disclosed the information.
- vi. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

14. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

The school 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 school 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 Section 8 of this policy.

b. Response to Request for Access

The school 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:

- i. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
- ii. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school 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.
- iii. 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 or eligible students shall submit to the school 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 school 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 school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

h. *Fees for Copies of Records*

i. The school 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 school district shall consider the following:

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

ii. 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.

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

iv. 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 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.

15. 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, or violates the privacy rights of the student may request that the school district amend those records.

- i. 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 the school district to make. The request shall be signed and dated by the requestor.
- ii. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
- iii. If the school district 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.

b. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, 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.

- i. If, as a result of the hearing, the school district 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.
- ii. If, as a result of the hearing, the school district 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 the school district, or both.
- iii. Any statement placed in the education records of the student under Subdivision B. of this section shall:

- (1) be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
- (2) if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

c. *Conduct of Hearing*

- i. The hearing shall be held within a reasonable period of time after the school 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.
- ii. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
- iii. 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.
- iv. The school district 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 Minn. Stat. Ch. 14 relating to contested cases.

16. PROBLEMS ACCESSING DATA

- a. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- b. Data practices compliance official means the individual designated by the responsible authority.
- c. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

17. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

a. *Where to File Complaints*

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, 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.

b. *Content of Complaint*

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

18. **WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. 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.

19. **ANNUAL NOTIFICATION OF RIGHTS**

a. *Contents of Notice*

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

- i. 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;
- ii. 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;
- iii. 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;
- iv. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
- v. 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 the school district has determined to have legitimate educational interests; and
- vi. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent

behavior.

b. *Notification to Parents of Students Having a Primary Home Language Other Than English*

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

c. *Notification to Parents or Eligible Students Who are Disabled*

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

20. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the school district shall be controlled by state and federal law.

21. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

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. § 127A.852 (Military-Connected Youth Identifier)

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. (Every Student Succeeds Act)

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)

SPECIAL SCHOOL DISTRICT NO. 1
Board of Education

June 15, 2021

Adopting the School District General Records Retention Schedule

WHEREAS, All government entities in Minnesota must adopt a records retention schedule; and

WHEREAS, MPS Policy 3500 further requires the maintenance of a current records retention schedule to be reviewed every five years; and

WHEREAS, the Minnesota Department of Administration produces a School District General Records Retention Schedule.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of Special School District No. 1, hereby adopts the MN School District General Records Retention Schedule (2021-0034A) and authorizes submission to the appropriate state agency.

Signed by:

Kim Ellison
Board of Education Chair

Date

Josh Pauly
Board of Education Clerk

Date

SCHOOL DISTRICT GENERAL RECORDS RETENTION SCHEDULE

STATE OF MINNESOTA

Department of
Administration

Information Policy Analysis Division
January, 2000

Adopted for use in Special School District Number 1 (Minneapolis Public Schools)
June, 2021

State of Minnesota
School District General Records Retention Schedule
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School District General Records Retention Schedule

Section: Administration

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
ADM00100	Affidavit of Publication	Public Hearings, Budget Publication, Debt Offerings	1 Year following completion of audit	No	Public
ADM00200	Election Records	Ballots, Notices, Notifications, Publications	1 Year after Canvas or Challenge	No	Public
ADM00300	Annual Reports to Board of Education	Reports Generated by District (PER, Accountability Reports, formal Annual Report in Accordance With MN Statute 120B.11	Retain permanently; has historical value, MS 120B.11	Yes	Public
ADM00310	Annual/Periodic Reports to Local Board of Education	Final/Actual Reports Generated by State	6 Years	No	Public
ADM00400	Authority to Dispose of Records (If Applicable)	Application for Authority to Dispose of Records form	6 Years	No	Public/Private MS 13.43 MS 13.32 MS 13.39
ADM00500	Boundary Changes - District	Consolidation, Detachment, Annexation, and Dissolution	Retain permanently; has historical value	Yes	Public
ADM00600	Calendar - Adopted and Actual	Number of Days and Length of Day by School and Grade Level, Reflecting Updated Activities During the Year.	3 Years MS 127A.41, Subd. 5	No	Public
ADM00700	Census, Annual School	1979 and Earlier	Retain permanently; has historical value	Yes	Private MS 13.32
ADM00710	Census, Annual School	1980 - Current	3 Years	No	Private MS 13.32

School District General Records Retention Schedule

Section: Administration

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
ADM00720	Census, Certified Reports	Conducted Once Per Decade	Permanent	No	Public
ADM00800	Closed Rural Schools	Includes: Clerk's, Treasurer's, and Teacher's Records of Closed Rural Schools Which Were Consolidated into the Independent District.	Transfer to the State Archives for Selection and Disposition	Yes	Public
ADM00900	Correspondence/ Administrative	Superintendent, Principal, Assistant Principal and Other Administrators Unless Otherwise Specifically Addressed Elsewhere in Records Retention Schedule	3 Years	No	Public/Private MS 13.32 MS 13.43
ADM01000	Court Case/Trial information	Litigation Correspondence	10 Years	No	Public/Private MS 13.32 MS 13.43 MS 13.90
ADM01010	Court orders		1 Year after Action is Completed	No	Public/Private MS 13.32 MS 13.43
ADM01100	Grant Applications	Successful	3 Years -- For Federal Funds three (3) years after completion of the activity for which the funds were used. 20 U.S.C. Section 1232f(a)	No	Public
ADM01110	Grant Applications	Unsuccessful	1 Year	No	Public

School District General Records Retention Schedule

Section: Administration

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
ADM01200	Inservice Workshops	Attendance Records, Agenda and Materials (Employee Right to Know, Blood Borne Pathogens, Etc.)	3 Years	No	Public
ADM01300	Inter District Cooperatives	Includes Vocational, Special Ed and Special Purpose Cooperatives formed by Joint Powers Agreements. Records Should Be Retained and Disposed of in Accordance With the Retention Periods for the Specific Series of Records Listed in Schedule	Retain permanently; has historical value	Yes	Public
ADM01400	Minutes	Board Minutes	Retain permanently; has historical value	Yes	Public
ADM01410	Minutes	Officially Designated Committees	Retain permanently; has historical value	Yes	Public
ADM01420	Minutes	Other Than Referred to in ADM01300, ADM 01400, and ADM 01410	1 Year	Yes	Public
ADM01430	Minutes - Tape Recordings	Board Minutes Only	Until Transcribed and Approved	No	Public
ADM01440	Board Policies		3 Years after Change	No	Public
ADM01500	Negotiations - See Personnel				
ADM01600	Newsletters and Publications	District Generated	Retain permanently; has historical value	Yes	Public
ADM01610	Newsletters and Publications	Student Generated School Newspapers	Retain permanently; has historical value	Yes	Public

School District General Records Retention Schedule

Section: Administration

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
ADM01700	Parent Teacher Association Records	Secretary's Books, Treasurer's Books, and Scrapbooks.	Retain permanently; has historical value	Yes	Public
ADM01800	Media Center/Librarian Reports		3 Years	No	Public
ADM01900	Video Tapes	Building Security/Transportation Tapes	Until Relooped	No	Private/Public MS 13.32 MS 13.43
ADM02000	E-Mail		Same as Correspondence	No	Private/Public MS 13.32 MS 13.43

School District General Records Retention Schedule

Section: Building

Item	Title	Examples and Descriptions	Retention Period	Archival	Data Practices Classification/ Statute
BLD00100	Accident/Damage Records	School Property-Related	10 Years	No	Public
BLD00200	Building Maintenance Records		Until Obsolete	No	Public
BLD00300	Building Permits	Applications (initial/interim), Inspection Reports, Plans, Etc.	10 Years	No	Public
BLD00400	Building Program Records	Current and Projected Needs. Review and Comment	10 Years	No	Public
BLD00500	Buildings and Grounds Records	Blueprints, Construction Specifications, Abstracts, Deeds, Title Papers, Final inspection Reports, Land and Building Occupancy Approval	Permanent	No	Public
BLD00600	Fixed Asset Records	Equipment, Fixtures, and Materials, inventory and Depreciation	Life of Item	No	Public

School District General Records Retention Schedule

Section: Building

Item	Title	Examples and Descriptions	Retention Period	Archival	Data Practices Classification/ Statute
BLD00100	Accident/Damage Records	School Property-Related	10 Years	No	Public
BLD00200	Building Maintenance Records		Until Obsolete	No	Public
BLD00300	Building Permits	Applications (initial/interim), Inspection Reports, Plans, Etc.	10 Years	No	Public
BLD00400	Building Program Records	Current and Projected Needs. Review and Comment	10 Years	No	Public
BLD00500	Buildings and Grounds Records	Blueprints, Construction Specifications, Abstracts, Deeds, Title Papers, Final inspection Reports, Land and Building Occupancy Approval	Permanent	No	Public
BLD00600	Fixed Asset Records	Equipment, Fixtures, and Materials, inventory and Depreciation	Life of Item	No	Public

School District General Records Retention Schedule

Section: Community Education

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
CED00100	Annual Reports	See Finance			
CED00200	Applications by individuals for Adult Education		1 Year	No	Private MS 13.32
CED00300	Certificate of Compliance	Verifies Cooperation Between District and Other Governmental Agencies. Joint Powers Agreements	Permanent, MS 471.59	No	Public
CED00400	Class Schedule - Master		1 Year	No	Public
CED00500	Financial Records	See Finance			
CED00600	Grants	See Administration			
CED00700	Minnesota DCF&L Reports	Early Childhood Family Education, Home School, Adult Basic Education, English As A Second Language, General Education Development, Other State Programs	6 Years	No	Public/Private MS 13.32
CED00800	Minutes	See Administration			

School District General Records Retention Schedule

Section: Curriculum

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
CUR00100	Class Lists-Elementary and Secondary		1 Year	No	Private MS 13.32
CUR00200	Class Schedules		1 Year	No	Public
CUR00300	Curriculum Development	Support Data, Recommendations, Programs and Procedures	6 Years	No	Public
CUR00400	Daily Plan Books - Teacher's		1 Year	No	Public
CUR00500	Duty Rosters - Teacher's		1 Year	No	Public
CUR00600	Grade Books - Teacher's		1 Year	No	Private MS 13.32
CUR00700	Textbooks	Adoptions	6 Years	No	Public
CUR00710	Textbooks	Inventories	6 Years or Until Obsolete	No	Public

School District General Records Retention Schedule

Section: Food Services

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FDS00100	General Correspondence	See Administration	3 Years and DCF&L Audit	No	Public
FDS00200	DCF&L/Federal USDA Reporting	Commodities, Milk Program	3 Years and DCF&L Audit, 7 C.F.R & 210.8	No	Public
FDS00300	Application /Agreement With State Agency	Free/Reduced Price Meal Policy Statement	3 Years and DCF&L Audit, 7 C.F.R & 210.3	No	Public
FDS00400	Free/Reduced Price Meal Applications	All Approved and Denied Applications, DHS Free School Meal Notices, Notice of Denial to Parents, Rosters of Eligible Students, Verification Records	3 Years and DCF&L Audit, 7 C.F.R. & 245.6	No	Private MS 13.32
FDS00600	Service Agreements/Catering Contracts	Head Start, Meals On Wheels, Etc.	3 Years and DCF&L Audit, 7 C.F.R & 210.3	No	Public
FDS00700	Food Production information	Daily Food Production Record, Menus	3 Years and DCF&L Audit, 7 C.F.R. & 210.13	No	Public

School District General Records Retention Schedule

Section: Food Services

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FDS00800	Daily Meal Count Report With Edit Checks		3 Years and DCF&L Audit, 7 C.F.R. & 210.7	No	Private/Public MS 13.32
FDS00900	Monthly Payment Vouchers		3 Years and DCF&L Audit, 7 C.F.R. & 210.13	No	Private/Public MS 13.32
FDS01000	On Site Review Record		3 Years and DCF&L Audit, 7 C.F.R. & 210.8	No	Private/Public MS 13.32
FDS01100	Financial Records	Breakfast, Lunch, Ala Carte, Etc. (Supporting Documentation May include invoices, Purchase orders, Etc.) Student, Adult Federal and State Income and All Other Sources	3 Years and DCF&L Audit, 7 C.F.R. & 210.20 and 210.5	No	Private/Public MS 13.32
FDS01200	Inventory	Audit Trail for USDA Commodity Usage, Year End Physical Inventory	3 Years and DCF&L Audit	No	Public
FDS01410	Inventory (Food and Supplies)	Quotes (Unsuccessful and Successful)	1 Year and DCF&L Audit	No	Public
FDS01410	Inventory (Food and Supplies)	Bid (Unsuccessful and Successful) Request Summaries	6 Years and DCF&L Audit	No	Public
FDS01420	Inventory (Food and Supplies)	Requisitions (for Moving Supplies or Equipment Within District)	3 Years and DCF&L Audit	No	Public

School District General Records Retention Schedule

Section: Food Services

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FDS01500	Cashier's Reports	Daily, Weekly, and Monthly	6 Years and DCF&L Audit, 7 C.F.R. 210.8 and 210.20	No	Public
FDS01600	Operating Reports	Breakfast, Lunch, and A'La Carte Participation Reports	3 Years and DCF&L Audit	No	Public
FDS01610	Operating Reports	Revenue and Expenditure Reports	6 Years and DCF&L Audit	No	Public

School District General Records Retention Schedule

Section: Finance

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FIN00100	Abstracts/Deeds/Title Papers/Mortgages	See Buildings			
FIN00200	Accounts Payable	Credit Memos, Freight Bills/Claims, Bills of Lading, Purchase orders, Acknowledgments/Orders/Shipping Notices, Invoices and Purchasing Contracts, Claims/Vouchers (Merchandise Purchased, Services Rendered, Travel Expenses), 1099	6 Years	No	Public/Private MS 13.43
FIN00210	W-9 form		6 Years after Final 1099 Issued	No	Public/Private MS 13.43
FIN00300	Year-End Financial Reports	Revenue and Expenditure Summary Transaction Reports	Retain Permanently	No	Public
FIN00305	Year-End Financial Reports	Revenue and Expenditure Detailed Transaction Reports	Retain Permanently	No	Public
FIN00310	Year-End Financial Reports	UFARS Revenue and Expenditure Report to State	Retain Permanently	No	Public
FIN00315	Year-End Financial Reports	Special Funded Projects Report	Retain Permanently	No	Public
FIN00320	Year-End Financial Reports	Note: includes Clerks and Treasurer's Reports (Register of Receipts/Disbursements, Treasurer's Annual Report, Treasurer's Books of Records. (1932 and Earlier)	Retain permanently; has historical value	Yes	Public

School District General Records Retention Schedule

Section: Finance

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FIN00325	Year-End Financial Reports	Note: includes Clerks and Treasurer's Reports (Register of Receipts/Disbursements, Treasurer's Annual Report, Treasurer's Books of Records. (Post 1932)	Retain Permanently	No	Public
FIN00330	Year-End Financial Reports	Accounts Receivable, Numbered Receipts, Accounts Receivable Invoices, Remittance Advice	6 Years	No	Public
FIN00335	Year-End Financial Reports	General Ledger, General Journals, Journal Entries, Disbursements Journal, Check Register Adopted and Revised Budget, Budget Publications, Balance Sheet, Receipts Journal	Retain Permanently	No	Public
FIN00400	Audit Reports		Retain permanently; has historical value	Yes	Public
FIN00500	Bank Statements/ Reconciliation's	Checks, Cancelled, Returned or Voided. (Must Be original Check - Not Microfiche)	6 Years	No	Public/Private MS 13.43
FIN00510	Bank Statements/ Reconciliation's	Statement of Pledged Securities	6 Years after Expiration	No	Public
FIN00600	Bonds and Coupons	Bond Ledgers/Registers	Until Debt Is Retired and Audit	No	Public
FIN00700	Bond Issues - Official Statements	Enabling Documentation	Permanent	No	Public
FIN00800	Building and Land Contracts	See Buildings			

School District General Records Retention Schedule

Section: Finance

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
FIN00900	County Auditor Statements	Tax Settlement Report and Taxes Receivable Report	6 Years	No	Public
FIN01100	Insurance Documents	Fidelity/Surety Bonds	6 Years after Expiration	No	Public
FIN01110	Insurance Documents	Insurance Bids, Health, Dental, Life etc. (Accepted and Rejected)	6 Years	No	Public
FIN01120	Insurance Policies	Health, Property, Liability, etc., Policies, Amendments and Waivers	20 Years	No	Public
FIN01200	Inventory	Year End Inventory List, Warehouse Listing, Library Holdings	3 Years	No	Public
FIN01300	Leases/Agreements		3 Years after Expiration	No	Public
FIN01400	Levies		6 Years	No	Public
FIN01500	Property Appraisals		Until Superseded	No	Public
FIN01600	Sealed Bids	Successful and Unsuccessful	6 Years after Award	No	Public
FIN01700	Quotes	Successful and Unsuccessful, MS 471.345	1 Year after Receipt	No	Public
FIN01800	Student Activity Accounts	Cash Receipts, Vouchers, Cancelled Checks, Ledgers, and Journals	6 Years	No	Public
FIN01900	Transportation - Annual Report		6 Years	No	Public
FIN02000	Transportation Contracts	With Independent Contractors	6 Years	No	Public

School District General Records Retention Schedule

Section: Heath & Safety

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
HSF00100	Infectious Disease and Occupational Exposure Files*	Files On Each Employee Dealing With Safety and Training On Diseases Such As Hepatitis and Aids. Retain in Employee's Medical File.	3 Yrs. after Separation	No	Public/Private MS 13.43
HSF00200	OSHA - Citations of Penalty	Notifications of Violations by the District	Until Violation Has Been Corrected	No	Public/Private MS 13.43
HSF00300	OSHA - Employee Accident Reports	OSHA Report Numbers 200 and 101	5 Yrs. after Accident	No	Public/Private MS 13.43
HSF00400	OSHA - Employee Exposure Records	Any information Concerning Employee Exposure to Toxic Substances or Harmful Physical Agents.	30 Yrs. after Termination or Retirement	No	Public/Private MS 13.43
HSF00500	Safety Committee Agendas and Minutes		3 Years	No	Public
HSF00600	Training Records - Right to Know		3 Yrs. after Separation	No	Public

School District General Records Retention Schedule

Section: Payroll

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
PAY00100	Cafeteria Plan Records		6 Years	No	Public/Private MS 13.43
PAY00300	Check Requests for Manual Checks	Lost or Missing Check Replacement, etc.	2 Years	No	Public/Private MS 13.43
PAY00400	Dues Deduction Authorization	Union Dues	3 Years	No	Public/Private MS 13.43
PAY00500	Garnishments	Wage Garnishment, Notice of Bankruptcy, Wage Levy and Related Documents	3 Years after Expiration	No	Private MS 13.43
PAY00700	Payroll Register	Name; Address; Date of Birth; Occupation; Rate of Pay; Compensation Earned Each Week	Permanent, 29 C.F.R. & 1627.3(a)	No	Public/Private MS 13.43
PAY00800	Pera Eligibility Sheets and Reports		6 Years	No	Public/Private MS 13.43
PAY00900	Prior Years' Quarterly FICA		6 Years	No	Public/Private MS 13.43
PAY01000	Quarterly Report of Local Government	Employees and Wages (Weeks or Hours Worked)	3 Years	No	Public/Private MS 13.43
PAY01100	Salary Deduction Sheets		6 Years	No	Public/Private MS 13.43
PAY01200	Voluntary Withholdings	Requests for Withholding (United Way, Savings Bonds, etc)	2 Years after Expiration or Until Superseded	No	Public/Private MS 13.43

School District General Records Retention Schedule

Section: Payroll

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
PAY01300	Stop Payment Orders and Bonds		6 Years	No	Private MS 13.43
PAY01400	Tax Reports	Federal, Minnesota and Other States	6 Years	No	Public/Private MS 13.43
PAY01500	Tax Sheltered Annuity - Contracts		Permanent, 29 C.F.R. & 1627.3(b)(2)	No	Private MS 13.43
PAY01600	Tax Sheltered Annuity - Authorization	457 and 403(B) Plans	Permanent	No	Private MS 13.43
PAY01700	Time Sheets		6 Years	No	Public/Private MS 13.43
PAY01800	TRA / PERA - Retirement Remittance Report	Monthly and Annual Reports	6 Years, MS 354.52	No	Public/Private MS 13.43
PAY02000	W-2 Statements (Employer's Copy)		6 Years	No	Public/Private MS 13.43
PAY02100	W-4 Statements		Until Superseded or 6 Years after Termination	No	Public/Private MS 13.43

School District General Records Retention Schedule

Section: Personnel

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
PER00100	Employee Medical Records*	Any information Concerning the Health Status of An Employee Which Is Made or Maintained by A Physician, Nurse, or Other Health Care Personnel, or Technician.	30 Yrs. after Termination or Retirement	No	Private MS 13.42 MS 13.43
PER00110	Employee Medical Records*	Includes Medical and Employment Questionnaires or Histories, Medical Exams, Medical Opinions, Descriptions of Treatments and Prescriptions, and Employee Medical Complaints.	30 Yrs. after Termination or Retirement	No	Private MS 13.42 MS 13.43
PER00120	Request for Leave	Requests for Leave (Vacation , Sick, Personal, etc.)	6 Yrs. after Termination	No	Public/Private MS 13.43
PER00200	Leave of Absence Reports	Formal Reports to PERA, TRA, etc., Regarding Unpaid, Board-Approved Leaves	6 Years	No	Public/Private MS 13.43
PER00210	Discrimination Claim Records	Sexual Harassment and Discrimination	Until Final Disposition of the Charge or Action	No	Public/Private/ Confidential MS 13.43 MS 13.39
PER00220	First Report of Injury*	If Maintained With Worker's Compensation File, Retain for 20 Years.	Permanent, MS 176.151	No	Private MS 13.43 MS 176.231

School District General Records Retention Schedule

Section: Personnel

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
PER00300	Applications for Employment/Resume/ Interview Documents	Licensed and Classified - Not Hired. Any and all employment records, including but not limited to, application forms, resumes, cover letters, interview notes, interview questions and answers, job inquiries, rejection letters and other documents regarding	2 Years or until final disposition of a discrimination charge, 29 C.F.R. 1602.14(a), 29 C.F.R. 1602.40, 29 C.F.R. 1627.3(b)(1), Minn. Rules 5000.2250	No	Public/Private MS 13.43
PER00310	Applications for Employment/Resume/ and Supporting Documentation	Licensed and Classified - Hired (in personnel file). Any and all employment records, including but not limited to, application forms, resumes, cover letters, interview notes, interview questions and answers, job inquiries, rejection letters and other doc	6 Years or until final disposition of a discrimination charge, 29 C.F.R. 1602.14(a), 29 C.F.R. 1602.40, 29 C.F.R. 1627.3(b)(1), Minn. Rules 5000.2250	No	Public/Private MS 13.43
PER00400	Arbitration Decisions		Permanent	No	Public/Private MS 13.43
PER00500	Contracts and Assignments		6 Yrs. after Termination	No	Public
PER00700	Equal Employment Opportunity Reports/Summary Data (EEOC/MNCRIS)		3 Years, 29 C.F.R. 1602.39	No	Public

School District General Records Retention Schedule

Section: Personnel

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
PER00900	Grievance Files	Employee Grievances and/or Complaints Filed Under A Labor Agreement or Personnel Rules. This Also Related to Arbitration Files and Related Court Cases.	Permanent	No	Public/Private MS 13.43
PER01000	Insurance: Group Master Policies, Contracts and Agreements	See Finance			
PER01100	Insurance: Reports	Insurance Census, Premium Reports, Etc.	6 Years	No	Public/Private MS 13.43
PER01200	STARS Report	Annual STARS Report to State	1 Year Until Superseded	No	Public
PER01300	Insurance Records: Enrollment Cards		Until Superseded	No	Public/Private MS 13.43
PER01400	Insurance Records: Employees On Leave of Absence	Employees on Leave of Absence, Family Medical Leave Act, Long-term Disability, Retired Teachers, Surviving Spouse, Terminated Employees	2 Years after Insurance Coverage Terminates	No	Public/Private MS 13.43
PER01800	Labor Contracts	Contracts Between School District Management and Various Bargaining Units including: Correspondence, Salary Schedules, Personnel Policies.	Permanent	Yes	Public
PER02000	Long Term Disability Claims/Awards		10 Years after Final Settlement of Claims	No	Public/Private MS 13.43

School District General Records Retention Schedule

Section: Personnel

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
PER02100	Job Descriptions		Until Superseded	No	Public
PER02200	Mediation Records		Permanent	No	Public
PER02300	Negotiations Records	Costing Records, Negotiations Strategy Session Tapes	2 Years after Completion of all BMS Certified Negotiations. MS 471.705(1a)	No	Public/Private MS 471.705
PER02400	Pay Equity: Classification Studies and Working Papers		Until Superseded	No	Public
PER02500	Pay Equity: Summary		Permanent	No	Public
PER02700	Personnel Files - Individual	Containing Citations, Personal History, Employee References, and Letters of Appointment/Promotion, Performance Records, Termination/Resignation, I-9 form, Evaluations, All Personnel and Employment Records, including, but not limited to, Documents Relating	6 Yrs. after Termination	No	Public/Private MS 13.43
PER02720	Personnel: Deficiency Reports	Letters of Advice, Reprimands, Letters of Deficiency, Letter of Direction and Correction, Notices of Suspensions.	6 Years after Termination or by Mutual Agreement To Expunge	No	Public/Private MS 13.43
PER02730	License and Certifications	Notice of Voluntary Surrender of Teaching License	Until Superseded	No	Public

School District General Records Retention Schedule

Section: Personnel

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
PER02740	Employee's Response Letter to Any Document in Personnel File		Same As Document To Which They Are Responding MS122A.40, Subd. 19	No	Private MS 13.43
PER02750	Seniority Lists		Full period the system is in effect and at least one (1) year after termination, 29 C.F.R. 1627.3(b)(2)	No	Public
PER02800	Recruitment Records	Relating to Posting, Recruitment, Selection, and Appointment to Each Position, Advertising	2 Years	No	Public/Private MS 13.43
PER03000	Unemployment Claims/Compensation	Claims for Unemployment	2 Years after Claim Resolution	No	Public/Private MS 13.43
PER03100	Worker's Compensation - Claims	Injury Reports and Correspondence Dealing With injuries.	20 Years	No	Private MS 13.43 MS 176.231
PER03200	Worker's Compensation	Claims Summary, Summary information From Carrier	6 Years after Termination	No	Public/Private MS 13.43 MS 176.231

School District General Records Retention Schedule

Section: Special Education

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification / Statute
SPC00100	Special Education Records		The permanent record of the student's name, address, phone number, grades, attendance, and grade level completed may be maintained without time limitation 34 C.F.R. 300.573(b)	No	Private MS 13.32

School District General Records Retention Schedule

Section: Students

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
STD00200	Accident Reports - Student		Permanent	No	Private MS 13.32
STD00300	Achievement and Standardized Tests Results	Testing As Determined by District	Permanent	No	Private MS 13.32
STD00400	Emergency Care Information		Until Superseded or 3 Years after Graduation/Leave District	No	Private MS 13.32
STD00500	Attendance and Membership Data	Summary of Yearly Attendance by Student As Recorded in Cumulative File	Permanent	No	Private MS 13.32
STD00510	Attendance and Membership Data	MARRS Data - Detailed	3 Years	No	Private MS 13.32
STD00600	Health and Immunization information		At least five (5) years after the student attains the age of majority (18), so until the age of (23) MS 123.70, Subd. 7	No	Private MS 13.32
STD00610	School Nurse Notes	Anecdotal Records	6 Years after Graduation/Leave District	No	Private MS 13.32

School District General Records Retention Schedule

Section: Students

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
STD00610	Health Room Log	Daily Record of Student Reporting to Health Room (Excluding Anecdotal Records)	6 Years after Graduation/Leave District	No	Private MS 13.32
STD00700	Cumulative File	Including Record of Access, Log In/Out Record for Review or Transfer of Student Records	Permanent	No	Private MS 13.32
STD00800	Demographic Information	District Census	Permanent	No	Public/Private MS 13.32
STD00810	Demographic Information	Student Directory information	1 Year	No	Public
STD00820	Demographic Information	Student Family information, including Dissolution or Custody Orders, etc.	Until Leave District or Superceded by Subsequent order, whichever sooner	No	Public/Private MS 13.32
STD00900	LEP Reports	Home Language Reports (LEP)	3 Years	No	Public/Private MS 13.32
STD01000	Extra and Co-curricular Participation Records	Team Results, Participation, Contracts, (If included in Cumulative File - Permanent Retention)	1 Year	No	Private MS 13.32
STD01100	Homeschool Records		Permanent	No	Private MS 13.32
STD01200	Preschool Screening		Permanent	No	Private MS 13.32

School District General Records Retention Schedule

Section: Students

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
STD01300	Nonresident Pupil Attendance Applications/Agreements		3 Years after Graduation	No	Private MS 13.32
STD01410	School Performance Data	Yearly Report Cards	1 Year after Transfer of Permanent Cumulative File	No	Private MS 13.32
STD01420	School Performance Data	Transcripts	Permanent	No	Private MS 13.32
STD01500	Auxiliary Organization Records	Clubs, interest Groups, Student Councils, Athletic Associations	Retain permanently; has historical value	Yes	Public
STD01510	Auxiliary Organization Records	Graduation Programs	Retain permanently; has historical value	Yes	Public
STD01520	Auxiliary Organization Records	Activity Funds - Treasurer's Records, Bylaws, Membership Records, Meeting Minutes	Retain permanently; has historical value	Yes	Public
STD01530	Driver Education Files		1 Year	No	Public

School District General Records Retention Schedule

Section: Transportation

Item	Title	Example and Description	Retention Period	Archival	Data Practices Classification/ Statute
TRN00100	Claims for Transportation Aid		3 Years	No	Public
TRN00200	Contractor Correspondence/Reporting		3 Years after Completing Contract	No	Public
TRN00300	Contracts With Independent Contractors		3 Years after Completing Contract	No	Public
TRN00400	Equipment Inventories	See Buildings			
TRN00500	Equipment Maintenance Records		Life of Equipment	No	Public
TRN00600	Minnesota DCF & L Reports	Annual Reports and Student Ridership Categories	3 Years	No	Public
TRN00700	Pupils Transported for Aid Entitlement	Lists Containing Names of Students	3 Years, MS+D19 127A.41	No	Private MS 13.32
TRN00800	Transportation Mileage Records		3 Years	No	Public
TRN00900	Transportation Reimbursements		6 Years	No	Public