

School Board Meeting Agenda  
Tuesday, July 21, 2020  
5:00 pm  
Conducted Remotely Via Google Hangouts Meeting

**Board Members Present Remotely** Josh MacLachlan, Amy Charpentier, Rachael McNamara, Tennille Warren, LeAnn Lindusky, Katie Siewert, David Massey, Tenille Warren

**Others Present:** Nate Winter - CLA (Ex Officio), AAHS TPS Representatives: Julie Peterson,

**Agenda**

1. **Call to Order:**
2. **Conflict of Interest Check:**
3. **Approval of July 21, 2020 Agenda:**
4. **Approval of June 16, 2020 Minutes:**
5. **Public Comments:**
6. **Financial Report: (Josh MacLachlan - Treasurer, Nate Winter - CLA)**
  - a. CLA will provide detailed FY20 financials after June 2020 financials have been reconciled. Financial reports for June & July 2020 will be presented at the August 2020 board meeting.
7. **Ex Officio Report: (Julie Peterson)**
8. **Student Data Report – Katie Siewart**
9. **Strategic Items**
10. **Action Items**
  - a. Approval of change to school start time - Third Reading
  - b. Approval of 2020-2021 School Year Calendar
11. **Adjourn**

School Board Meeting Agenda  
Tuesday, June 16, 2020  
5:00 pm  
Conducted Remotely Via Zoom Meeting

Important Note:

The meeting will be closed during item 11: "Evaluation of TPS Committee" as permitted by section 13D.05, subdivision 3 (a), to evaluate the performance of the School's TPS Committee

**Board Members Present Remotely** Josh MacLachlan, Amy Charpentier, Rachael McNamara, Tennille Warren, LeAnn Lindusky, Katie Siewert, David Massey, Tenille Warren

**Others Present:** Nate Winter - CLA (Ex Officio), AAHS TPS Representatives: Julie Peterson,

**Absent:**

**Agenda**

**1. Call to Order:**

- a. Josh MacLachlan calls meeting to order at 5:00 p.m.

**2. Conflict of Interest Check:**

- a. None to report

**3. Approval of June 16, 2020 Agenda:**

- a. Josh MacLachlan motions to approve the June 16, 2020 agenda with addition of item 6c: Approval of form 990 draft from auditor and item 9h: review of proposal from designs for learning - Katie Siewart seconds.
- b. Discussion:
  - i. Form 990 is a document from auditor needing board approval
- c. Motion passes with following votes:
  - i. Josh MacLachlan - Aye
  - ii. Rachael McNamara -Aye
  - iii. David Massey - Aye
  - iv. Tenille Warren - Aye
  - v. Katie Siewart - Aye

**4. Approval of May 19, 2020 Minutes:**

- a. Rachael McNamara motions to approve the May 19, 2020 Minutes - Katie Siewart seconds

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- b. Discussion:
  - i. No further changes to note
- c. Motion passes with following votes:
  - i. Josh MacLachlan - Aye
  - ii. Rachael McNamara -Aye
  - iii. David Massey - Aye
  - iv. Tenille Warren - Aye
  - v. Katie Siewart - Aye

**5. Public Comments:**

- a. No public present

**6. Financial Report: (Josh MacLachlan - Treasurer, Nate Winter - CLA)**

- a. Approval of Financial Reports for May 2020
  - i. Josh MacLachlan motions to approve the May 2020 financial reports - Katie Siewart seconds
  - ii. Discussion
    - 1. 92% through year.
      - a. Revenues at 91% of budget
      - b. Expenditures at 90% of budget
    - 2. Enrollment: 99
    - 3. Budget ADM: 96
    - 4. ADM: 96.41
    - 5. MARSS ADM shows Discrepancy from SIS system. Josh will work with administration manager to investigate cause.
  - iii. Motion passes with following votes:
    - 1. Josh MacLachlan - Aye
    - 2. Rachael McNamara -Aye
    - 3. David Massey - Aye
    - 4. Tenille Warren - Aye
    - 5. Katie Siewart - Aye
- b. Approval of Disbursements for May 2020
  - i. Rachael McNamara motions to approve disbursements for May 2020 - David Massey seconds
  - ii. Discussion
    - 1. No issues to note
  - iii. Motion passes with following votes:

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1. Josh MacLachlan - Aye
2. Rachael McNamara -Aye
3. David Massey - Aye
4. Tenille Warren - Aye
5. Katie Siewart - Aye

- c. Approval of form 990 draft from auditor
  - i. Josh MacLachlan motions to approve the form 990 draft - Katie Siewart seconds
  - ii. Discussion
    1. No issues to note
  - iii. Motion passes with following votes:
    1. Josh MacLachlan - Aye
    2. Rachael McNamara -Aye
    3. David Massey - Aye
    4. Tenille Warren - Aye
    5. Katie Siewart - Aye

**7. Ex Officio Report: (Julie Peterson)**

- a. Distance Learning Updates
  - i. No school Memorial day
  - ii. Graduation ceremony was successful.
    1. 22 graduates.
    2. 2 Walked early.
    3. 23 attended.
    4. Sought out and received donations to sponsor all students walking in ceremony.
- b. Marketing Plan Updates (see marketing committee in section 7c)
- c. Committee Updates:
  - i. TPS
    1. Evaluation updates for board have been completed
    2. Dates set for summer summer PD in July and August
    3. Contingency plans developed. Will be able to choose relevant plan once directives are articulated by MDE
      - a. All distance learning
      - b. All in-school
      - c. Hybrid (switch off days to minimize # of students in building at any given time.
        - i. ABABF schedule

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- ii. AABBF schedule
- ii. Personnel: See SpEd Committee below
- iii. Behavior: No updates
- iv. Nutrition program: Moving forward with vending machines
  - 1. Federal program too expensive. No longer possibility for school.
  - 2. Vending machines are used by other charter schools with positive results
  - 3. COVID compliant
  - 4. Will free up time for staff (no need to serve/track lunches)
  - 5. Students
- v. Marketing:
  - 1. Task for set up to develop new logo/brandmark
  - 2. Jim & Margie MacLachlan, formerly of Tartan Marketing, donating time to work with school to develop brandmark
- vi. Curriculum:
  - 1. Final grades completed June 11. Report cards sent out.
  - 2. Grades not adjusted due to COVID. Analysis of average grades for past two years show Q4 grades very similar to prior years.
- vii. SpEd:
  - 1. Hired 2 new paras
  - 2. 1 para leaving to pursue middle school student teaching
- viii. Tiger Team: No updates

**8. Student Data Report – Katie Siewart**

- a. No updates. No new data received since last meeting

**9. Strategic Items**

- a. Update from task force developing “Hybrid Program” contingency plan
- b. Review of proposed change to school start time - Second Reading
- c. Review of proposed Policy 512 - Student Educational Data Policy - First Reading
  - i. “Principal” is referenced. Should be switch / adjusted to relevant person or committee.
  - ii. Need to research details about sharing student information with military
- d. Review of proposed Policy 513 - Protection and Privacy of Student Records - First Reading
  - i. Check for references to “principal” and adjust as needed
- e. Review of “school values & beliefs” proposal - First reading
  - i. Need to begin mapping each value/belief to actions we are/will do in school

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- f. Review of 5/19/2020 Board evaluation of TPS committee.
  - i. Board completed majority of evaluation and sent requests for responses from TPS. In general, TPS has demonstrated continual improvement.
- g. Board Training: (30 min limit)
  - i. Reflection on assigned board training modules in mnchartheboard.com (tabled from May meeting)
- h. Designs for learning -
  - i. Considering not using Designs for Learning for annual report
  - ii. Will commit to rate agreement for services. Agreement only relevant to services used throughout the year.

**10. Action Items**

- 11. Evaluation of TPS committee** (The meeting will be closed during this evaluation as permitted by section 13D.05, subdivision 3 (a), to evaluate the performance of the School's TPS Committee)
- a. Josh MacLachlan motions to close meeting as permitted by section 13D.05, subdivision 3 (a), to evaluate the performance of the School's TPS Committee- Katie Siewert seconds

**12. Adjourn**

- a. Rachael McNamara motions to adjourn at 6:44pm

July

## Board Meeting (Highlights and To Do)

7/21/20

Ex Officio: Julie Peterson

TPS Member Present:

### Ex Officio Report:

School Events:

- No major school events- Enrollment tours continuing throughout the summer

Committee Updates:

TPS:

- [AAHS Values & Beliefs Regarding Institutional & Systemic Racism](#)
- Training?
  - Danyelle & Mal will check for resources
  - Aimée will check with her source
- Board needs to know what we need/money?
- COVID-19
  - Ordered supplies for possible return after reaching out to nurse- initial cost close to \$3,000

Personel:

- Fully staffed

Nutrition:

- Moving forward with vending
- Need to talk to Langer about installing outlets

Marketing:

- Incentive for students? Raffle? researching what we CAN do
- Parentsquare message encourage to bring new students
- Logo
  - Picking one this week
- [St. Paul Voice Advertising](#) = yes
- Social media postings from staff
- Add videos to website for enrollment

Enrollment:

- enrolling 8 students (as of 7/12/20) - 6 9th and 1 10th and 1 11th

Curriculum:

- Distance Learning- waiting for executive order to make decisions
- In person schedule for the year
  - 8:30-3:05 = students [Daily schedule](#)
  - Fridays
    - Students = work from home
    - could work at school to use resources or teacher help
      - Must sign up
    - Transitions class
    - Staff = office hours (appointments with students)

- Field trips
- Circles
- Detention/self-reflection
- 7:30-8:30 = meetings
- 3:05-3:30 = prep
- Distance learning: (phase 1)
  - Same as spring
- Data- Josh will begin to contact individuals

Sped:

- Transitions program-
  - Typically super seniors/discussed at IEP mtg
  - Change to fridays
  - Market this?

**Assignments from Board Mtg:**

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# 512 - Student Educational Data Policy

## Academic Arts High School

**Original Creation Date:** May 2020

**Last Approved By:** Academic Arts High School Board of Directors

**Last Approved Date:**

**Year Reviewed:** 2019-2020

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## PURPOSE

The purpose of this policy is to define education data, to identify various protections afforded to such data, and to establish procedures required by state and federal law.

## POLICY STATEMENT

It is the policy of Academic Arts High School to fully comply with state and federal laws regarding the classification, maintenance and use of education data. Education data is governed by state law, Minn. Stat. §13.32. Education data is also governed by federal law, the Family Educational Rights and Privacy Act (FERPA) and its regulations in 34 CFR, Part 99.

## DEFINITIONS AND GENERAL PROVISIONS

- A. Education Data. "Education data" means data on students maintained by the school, or by a person acting for the school, which relates to a student.

- B. Eligible Student. "Eligible Student" means a student who has reached 18 years of age or is attending an institution of postsecondary education.
- C. Private Education Data. Unless there is a specific exception providing otherwise, education data is generally classified as "private" under state and federal law. With certain exceptions, (e.g., directory information, health and safety emergencies), education data may only be accessed by the student who is the subject of the data or the student's parent when appropriate and school officials with a legitimate educational interest as determined by the educational agency in accordance with applicable law.
- D. School Official. "School officials" who have access to student education records are those individuals at Academic Arts High School who need to know the contents of a student's education record in order to provide education services to the student. School officials will be allowed access to private education data without the consent of the parent or student if they have a legitimate "need to know".
- E. Directory Information. "Directory information" means education data that is available to anyone in the public. Academic Arts High School will notify parents each year which education data is designated as "directory information." Parents have the right to opt-out of including any of their students' data as directory information.
- F. Parent. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. Academic Arts High School school officials 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.
- G. Responsible Authority. "Responsible Authority" means the person (Superintendent, Executive Director, or Designee) appointed by the Academic Arts High School Board who is ultimately responsible for the collection, use, and dissemination of all Academic Arts High School's data, and for all of the school's data practices decisions. The Responsible Authority must ensure compliance with all of the requirements, duties, and obligations of the Minnesota Government Data Practices Act and accompanying rules.

## STATEMENT OF RIGHTS

- A. Rights of Parents and Students. Parents and students have the following rights under this policy:
1. The right to inspect and review the student's education records;
  2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
  3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law;
  4. The right to refuse the release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
  5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the federal law and the regulations promulgated thereunder;
  6. The right to be informed about rights under the federal law; and
  7. The right to obtain a copy of this policy.
- B. Transfer of Rights to Students Over Eighteen (18). All rights and protections given parents under this policy transfer to the student when they reach eighteen (18) years of age or enroll in an institution of post-secondary education. However, the parents of a student who is also a "dependent student" for federal tax purposes 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 applicable federal regulations.
- C. Right to Inspect and Review Educational Records Procedure
1. Authority to Inspect and Request Procedures
    - a. It is presumed that either parent of the student has authority to inspect or review the educational records of the student unless otherwise stated by law or Academic Arts High School has received evidence of a relevant legally

binding instrument or court order providing to the contrary.

- b. A request to inspect or review an educational record under Section IV(A)(1) of this policy shall meet all of the following requirements: (i) be written; (ii) identify the record or records as precisely as possible (iii) be signed and dated by the requestor; (vi) provide contact information for the requestor.
  - c. The Responsible Authority shall comply with the request for access to education records of the student within a reasonable time after receiving the request not exceeding ten (10) business days.
2. Records containing information on Multiple Students
    - a. If the educational records of a student contain information on more than one student, the parent or eligible student may inspect, review, or be informed of only the specific information about the particular student.
  3. Fees for Copies of Records
    - a. Academic Arts High School shall charge a reasonable fee for providing copies unless the fee effectively prevents a parent or eligible student from exercising their rights or the fee is part of the search for and/or the retrieval of the educational record. The amount of the fee shall be based on the following factors:
      - a. Costs of materials to provide copies;
      - b. Costs of labor to prepare copies
      - c. Any standard copying charges established by Minnesota Law.
      - d. Any special costs are necessary to produce copies from machine-based record-keeping systems including but not limited to computers, but excluding charges for separating public from private data.
      - e. Mailing costs.

#### D. Right to Amend Educational Record Procedure

1. Amendment Request and Response
  - a. A request to amend an educational record under Section IV(A)(2) of this policy shall meet all of the following requirements: (i) be written; (ii) identify the information

believed to be inaccurate, misleading, or in violation the privacy or other rights of the student (iii) state the reason for this belief; (iv) specify the correction desired for the record by the Responsible Authority; (v) be signed and dated by the requestor; (vi) provide contact information for the requestor.

- b. The Responsible Authority shall decide whether to amend the education records of the student in accordance with the request within a reasonable time after receiving the request.
- c. If the Responsible Authority decides to refuse the request to amend the educational records of the student, it shall inform the Parent or Eligible Student of the refusal and advice the Parent or Eligible Student of the right to request a hearing.

## 2. Hearing Request & Results

- a. If the Responsible Authority refuses to amend the educational record, Academic Arts High School shall, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
- b. If, as a result of the hearing, the Academic Arts High School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the record accordingly and inform the parent or eligible student of the amendment in writing
- c. If, as a result of the hearing, Academic Arts High School decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy 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 they disagree with the decision of the school or both. This statement shall be maintained along with the contested part of the record for the life of the educational record, and disclosed whenever the related portion of the record is disclosed.

### 3. Hearing Conduct

- a. This hearing will be held within a reasonable time after Academic Arts High School receives the request, and the parent or eligible student will be given the date, time, and place of the hearing by the school reasonably in advance of the hearing.
- b. The hearing may be conducted by any individual including an official of Academic Arts High School who does not have a direct interest in the outcome of the hearing.
- c. The parent or eligible student will have a full and fair opportunity to present evidence relevant to the issues raised in the request for a hearing, and may, at their own expense, be assisted or represented by one or more individuals of their choosing including an attorney
- d. Academic Arts High School will make its decision in writing within a reasonable time after the hearing. The decision must be based solely upon the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

## **WHEN PRIOR INFORMED CONSENT TO RELEASE EDUCATION RECORDS IS NOT REQUIRED**

- A. In certain circumstances, Academic Arts High School may release information from the education records of a student without the prior informed consent of the parent of the student if the disclosure is consistent with state and federal laws governing such release. These circumstances include:
  1. Pursuant to a valid subpoena or court order. However, Academic Arts High School must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action unless the disclosure is in compliance with:
    - a. Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

- b. Any other subpoena issued for a law enforcement purpose 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
  - c. 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 as defined in 18 U.S.C. 2331.
- 2. Pursuant to a statute specifically authorizing access to the private data;
- 3. The disclosure is to other school officials, including teachers, if the officials are determined to have legitimate educational interests.
- 4. The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- 5. 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;
- 6. To appropriate school officials to the extent necessary to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;
- 7. 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;
- 8. To the Commissioner of Education for purposes of an assessment or investigation of a report of alleged maltreatment of a student. Upon request by the Commissioner data that are relevant to a

report of maltreatment and are from the school's investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

- a. Information regarding the student alleged to have been maltreated;
  - b. Information regarding student and employee witnesses;
  - c. Information regarding the alleged perpetrator; and
  - d. The corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district.
9. The disclosure is information that Academic Arts High School has designated as "directory information".

## **HEALTH AND SAFETY EMERGENCIES**

Academic Arts High School may disclose personally identifiable information from an education record to appropriate parties, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, Academic Arts High School may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If Academic Arts High School determines that there is an articulable and significant threat to the health or safety of a student or other individuals, the school 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 individuals.

## **RECEIPT OF RECORDS REGARDING JUVENILE ADJUDICATIONS; SHARING INFORMATION**

- A. "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
- B. Access by Juvenile Justice System.
  1. Request. Authorities in the juvenile justice system may request data if such data concerns the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the



student whose records are released. The authorities to whom the data are released must first submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file. All requests must also include an explanation of why access to the data is necessary to serve the student.

2. After a written request under B.1 has been made, Academic Arts High School must disclose the following education data to the juvenile justice system: 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 parents' names, home addresses, and telephone numbers.
3. After a request under B.1 has been made, the school may also disclose the existence of the following data about a student:
  - Use of a controlled substance, alcohol, or tobacco;
  - Assaultive or threatening conduct that could result in dismissal from school;
  - Possession or use of weapons or look-alike weapons;
  - Theft; or
  - Vandalism or other damage to property.
  - However, the school may not disclose the actual data or other information contained in the student's education record and the school must notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the school within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the school must not disclose the information. The school must inform the requesting member of the juvenile justice system of the objection. The school must respond to a data request within 14 days if no objection is received from the parent or guardian.
4. Notice to Parents. If Academic Arts High School receives a request to disclose information about a student to the juvenile justice system the school shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of

the request to disclose information before disclosing the information. If the student's parent or guardian notifies the school within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the school must not disclose the information. The school must inform the requesting member of the juvenile justice system of the objection.

### C. Receipt of Records from Juvenile Justice System

**\*\*DISCUSSION NEEDED FOR THIS SECTION\*\***

#### 1. Disposition Orders.

- Filing. On receipt of a disposition order for a student, the [Chief administrative officer] must transfer the order to the school principal who must place the order in the student's educational record.
- Notification. The administrative manager must immediately notify any counselor directly supervising the student, and any other teacher or administrator who directly supervises the student with a legitimate educational purpose. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student with a legitimate educational purpose.
- A person with a legitimate educational purpose under this part is a person whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.
- Notification contents. The notice given by the principal when receiving a disposition order under this part must: (i) identify the student; (ii) outline the offense; and (iii) describe any conditions of probation requiring the school to provide information.
- Destruction. The disposition order must be destroyed from the educational record when the student graduates or at the end of the school year when the student reaches age 23, whichever is earlier.
- Private data. The order for disposition is considered private educational data and may only be disseminated to those

with a legitimate educational interest, the student, and the student's parents or otherwise required by law.

2. Probable Cause Notice.

- Filing. If a required probable cause notice for a student is given to the school, the school must then place the notice in the student's educational record.
- Notification. The principal must immediately notify any teacher, counselor, or administrator who directly supervising the student who has a legitimate educational purpose. The principal may notify other district employees, substitutes, and volunteers who are in direct contact with the student who has a legitimate educational purpose.
- Notification contents. The notice given by the principal when receiving a disposition order under this part must: (i) identify the student; and (ii) describe the alleged offense.
- Destruction. The notice must be destroyed after one year if the school does not receive an adjudicated order for disposition related to the probable cause notice.
- Private data. The data received under this part is considered private educational data and may only be disseminated to those with a legitimate educational interest, the student, and the student's parents or otherwise required by law.

3. Legitimate Educational Interest

- For the purposes of this part only, a person with a legitimate educational purpose is a person whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

## **DESIGNATION OF DIRECTORY INFORMATION AND RELEASE TO OUTSIDE ORGANIZATIONS**

A. Academic Arts High School has designated the following information as directory information:

1. Student's Name;

2. Dates of Attendance;
  3. Degrees and Awards received;
  4. Most recent Educational Agency or Institution attended;
  5. Participation in officially recognized activities and sports; and
  6. Weight and height of members of athletic teams
- B. Directory information may be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
- C. If a parent does not want Academic Arts High School to disclose directory information from a child's education records without prior written consent, parents must notify the school by October 1st. To make this request, the parent should call (763) 712-4200.

## **RELEASE OF INFORMATION TO MILITARY RECRUITERS**

- A. Academic Arts High School shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12 within 60 days after the date of the request. Academic Arts High School shall give parents and students notice of the right to refuse the release of this data to military recruiting officers. Notice may be given by any means reasonably likely to inform the parents and students of the right.
- B. Limits on Use of Information. Data released to military recruiting officers:
1. May be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
  2. Shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.

## **WHEN PARENTS MAY BE DENIED ACCESS TO EDUCATION RECORDS**

- A. Minor's Requests for Denial of Access. In order to deny parental access to education data regarding a minor student, that student must request that Academic Arts High School deny such access in writing, must set forth the reasons for denying access to the parent and must sign the request. Upon receipt of such request, the school will determine if honoring the request to deny the parent access would be in the best interest of the minor student. In making this determination, the school will consider the following factors:
1. Whether the minor student 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 student is such that denying parental access may protect the student from physical or emotional harm;
  3. Whether there are grounds for believing that the minor student'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.
- B. Reports under the Maltreatment of Minors Reporting Act. Pursuant to Minn. Stat. §626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school.
- C. Conditions Related to the Release of Investigative Data. Data collected by the school 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 "confidential data" and shall not be provided to individuals not associated with the investigation. 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 students, school employees, and/or attorney data as defined in Minn. Stat. §13.393.

1. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.
- D. Release of Information Related to Chemical Abuse. To the extent that the school 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.

## **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 Academic Arts High School 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 principal shall submit to the responsible authority a written plan for securing students records annually each school year. The written plan shall contain the following information:
1. A description of records maintained;
  2. Titles and addresses of person(s) responsible for the security of student records;
  3. Location of student records, by category, in the buildings;
  4. Means of securing student records; and
  5. Procedures for access and disclosure.
- D. Review of Written Plan for Securing Student Records. The responsible authority shall review the plans submitted pursuant to paragraph “C” above for compliance with the law, this policy and the various administrative policies of the school. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall become a part of this policy.

- E. Record Keeping. The Responsible Authority 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 who may make further disclosures of personally identifiable information from the student's education records without consent.
- F. In the event that Academic Arts High School discloses personally identifiable information from an education record of a student pursuant to 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 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 accordance with 34 C.F.R. §99.32 and to whom the school disclosed information from an education record.
- G. The school 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.

*Legal References:*

Minn. Stat. §13.02 (Definitions)

Minn. Stat. §13.05 (Duties of Responsible Authority)

Minn. Stat. §13.32 (Educational Data)

Minn. Stat. §121A.75 (Receipt of Records; Sharing)

Minn. Stat. §260B.171 (Disposition Order & Peace Officer Records - Child)

20 U.S.C. 1232g(b)(1)(l) and (h) (Family Educational and Privacy Rights)

34 C.F.R. Part 99 (Family Education Rights and Privacy Act)

Minn. R. 1205.0500 (Access to Private Data on Minors)



# 513 – Protection and Privacy of Pupil Records

## Academic Arts High School

**Original Creation Date:** May 2020

**Last Approved By:** Academic Arts High School Board of Directors

**Last Approved Date:**

**Year Reviewed:** 2019-2020

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## BACKGROUND

Academic Arts High School recognizes its responsibility regarding 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. The following policy is adopted according to the requirements of 20 U.S.C. § 1232g, et seq. (Family Educational Rights and Privacy Act), 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, and Minn. Rules, Parts 1205.0100 to 1205.2000.

## DEFINITIONS

1. **Directory Information:** “Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student’s parent(s).

Directory information does not include:

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

## 2. **Education Records:**

- a. **What constitutes "education records."** Education records mean those records which: (1) are directly related to a student; and (2) are maintained by the charter school or by a party acting for the charter school.
- b. **What does not constitute an education record.** The term, "education records," does not include:

i. Records of instructional personnel which:

- (1) are in the sole possession of the maker of the record; and
- (2) are not accessible or revealed to any other individual except a substitute teacher; and
- (3) are destroyed at the end of the school year.

ii. Records of a law enforcement unit of the charter school, provided education records maintained by the charter school are not disclosed to the unit, and the law enforcement records are:

- (1) maintained separately from education records;
- (2) maintained solely for law enforcement purposes; and
- (3) disclosed only to law enforcement officials of the same jurisdiction.

iii. Records relating to an individual, including a student, who is employed by the school district which:

- (1) are made and maintained in the normal course of business;
- (2) relate exclusively to the individual in that individual's capacity as an employee; and
- (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

iv. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:

- (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

v. Records that only contain information about an individual after they are no longer a student at the school district and that are not directly related to the individual's attendance as a student.

3. **Eligible Student:** All rights and protections given parents under this policy transfer to the student when they reach eighteen (18) years of age or enroll 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).

4. **Legitimate Educational Interest:** "Legitimate educational interest" includes interest directly related to classroom instruction, teaching, student achievement and progress, the 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: (a) perform an administrative task required in the school or the employee's contract or job description approved by the Board, (b) perform an instructional or supervisory task directly related to a student's education, (c) 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; or (d) perform a task directly related to responding to a request for data.

5. **Parent:** "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The charter school 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.

6. **Personally Identifiable:** "Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number 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.

7. **Responsible Authority:** Means the Executive Director or his or her designee.

8. **Student:** "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.

9. **School Official:** "School official" includes: (a) a person duly elected to the Board; (b) a person employed by the board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the 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 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. "School official" also includes a police liaison officer when the individual is performing duties as a police liaison officer.

10. **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.

11. **Data Practices Compliance Official:** Means the Executive Director or his or her designee. 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.

12. **General:** State laws provide that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public, private or confidential. State law classifies all educational

data on students other than directory information maintained by a school district as private data. These 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.

## **DISCLOSURE OF EDUCATION RECORDS**

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

1. The charter school 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.

2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

- a. a specification of the records to be disclosed;
- b. the purpose or purposes of the disclosure;
- c. the party or class of parties to whom the disclosure may be made;
- d. the consequences of giving informed consent; and
- e. if appropriate, the termination date for the consent.

3. When a disclosure is made under this subdivision:

- a. if the parent or eligible student so requests, the charter school shall provide them with a copy of the records disclosed; and
- b. if the parent of a student who is not an eligible student so requests, the charter school shall provide the student with a copy of the records disclosed.

4. A signed and dated written consent may include a record and signature in electronic form that:

- a. identifies and authenticates a particular person as the source of the electronic consent; and
- b. indicates such person's approval of the information contained in the electronic consent.

5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:

a. in plain language;

b. dated;

c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;

d. specific as to the nature of the information the subject is authorizing to be disclosed;

e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

f. 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

g. 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 or charter school that are subject to third-party reimbursement.

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

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

1. To other school officials, including teachers, within the charter school whom the charter school determines to have a legitimate educational interest in such records.

2. To a contractor, consultant, volunteer, or other parties to whom the charter school has outsourced institutional services or functions provided that the outside party:

- a. performs an institutional service or function for which the charter school would otherwise use employees;
- b. is under the direct control of the charter school with respect to the use and maintenance of education records, and
- c. 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.

3. 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 a student possessed or used a dangerous weapon, and with proper annual notice, suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act. The records also shall include a copy of any probable cause notice or any disposition or a 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 charter school 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 of this policy.

4. To authorized state and federal officials as provided in federal and/or state statute.

5. In connection with financial aid for which a student has applied or received, if the information is necessary for such purposes as to:

- 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 a tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution;



6. To accrediting organizations to carry out their accrediting functions.
7. To organizations conducting studies for educational purposes provided that the studies are conducted in a manner which will not permit the personal identification of students or parents by individuals other than official representatives of the organizations making the studies.
8. 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.
9. To comply with a judicial order or lawfully issued subpoena provided that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance 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.
10. 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 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 deciding 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.
11. To military recruiting officers and post-secondary educational institutions in accordance with applicable federal and state law.

12. 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.

13. 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 charter school for students or former students.

14. 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:

a. The following information about a student must be disclosed: the student's full name, home address, phone number, date of birth, school schedule, attendance record, photographs, if any, and parents' names, home addresses and phone numbers; and

b. The existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Before releasing this information, the program director or executive director 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.

c. 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.

15. 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 program director must notify the counselor immediately and must place the disposition order in the student's permanent education record. The program director also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the program director 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 program director may also notify other charter school employees, substitutes, and volunteers who are in direct contact with the student if the program director 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 program director must identify the student, outlining the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. The 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;

16. To the program director where the student attends if it is information from a peace officer's record of children received by the executive director under Minn. Stat. § 260B.171, Subd. 5. The program director must place the information in the student's education record. The program director also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the program director 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 program director may also notify other charter school employees, substitutes, and volunteers who are in direct contact with the student if the program director 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 program director 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 program director 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.

17. To school staff, notification of students with a history of violent behavior, under state law.

Certain records such as those containing child welfare reports pertaining to abused or battered children shall not be made available to parents. Reports made by the charter school under Minn. Stat. § 626.556 shall be accessible only to appropriate welfare and law enforcement agencies. The subject individual may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department as permitted by state law.

The charter school may deny access to parents to their student's education records upon written request of the student if it determines denying parental access would be in the best interests of the student, considering the factors stated in state and federal laws.

Students shall not be entitled to access to private data concerning financial records and statements of the student's parents.

## **PROCEDURE FOR OBTAINING NON DISCLOSURE OF DIRECTORY INFORMATION**

Within thirty (30) days after annual public notice regarding directory information has been provided, the parent's or eligible student's written notice requesting nondisclosure of directory information shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent, as appropriate;
2. Home address;
3. School presently attended by the student;
4. Parent's legal relationship to the student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

## **PROCEDURE FOR REFUSING RELEASE OF DATA TO MILITARY RECRUITMENT OFFICERS**

To refuse the release of information to military recruiting officers, a parent or eligible student must notify the responsible authority, the appropriate program director, in writing, by October 1 of each school year. The written request must include the following information:

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

A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the school district's release of directory information to the rest of the public, including military recruiting officers. To make any directory information about a student private, the procedures in section 1 of these rules 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.

Data released to military recruitment officers 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 cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

## **WRITTEN CONSENT**

The school district shall obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided in charter school policy, or state or federal law. The written consent required by state and federal law 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(s) 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, the termination date for the consent.

## **REDISCLASURE**

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 disclosed will not disclose the information to any other party without the proper 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.

## **REVIEW OF STORED DATA**

The school district shall permit the parent of a student who is or has been in attendance in the school district to inspect and review the education records of the student. The school district shall comply with such a request immediately, if possible, or within ten working days of the date, the request is received, exclusive of Saturdays, Sundays and holidays.

1. The right to responses from school district officials to reasonable requests for explanations and interpretations of the records.
2. The right to obtain copies of the records from the school district where the failure of the school district to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

The right to inspect and review education records under the preceding paragraph includes:

Parents or eligible students wishing to inspect educational records shall submit to the school district a written request which identifies as precisely as possible the record or records to be inspected.

The school district may presume that either parent of the student has authority to inspect and review the education records of the student unless the school district has been provided with evidence that there is a legally binding instrument, state law or court order governing such matters as divorce, separation or custody, which provides the contrary.

A record of review of education records pursuant to this section shall be recorded on a form attached to the student's file.

The parent or eligible student shall bear the cost of providing copies of records. The responsible authority may waive this fee in whole or in part if they determine that failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review those records. The school district reserves the right to make a charge for copies such as

transcripts it forwards to potential employers or post-secondary educational institutions for employment or admissions purposes.

## **REQUEST TO AMEND RECORDS: PROCEDURES TO CHALLENGE DATA**

**A. Request to Amend Education Records:** The parent or guardian of a student or an eligible student who believes that information contained in the education records is inaccurate, incomplete, misleading or violates the rights of a student may request that the charter school amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the charter school to make. The request shall be signed and dated by the requestor
2. The charter school shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the charter school 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 charter school refuses to amend the education records of a student, the charter school, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the charter school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.



2. If, as a result of the hearing, the charter school 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 they disagree with the decision of the school district or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:

a. be maintained by the charter school as part of the education records of the student so long as the school district maintains the record or contested portion thereof; and

b. if the charter school discloses the education records of the student or the contested portion thereof to any party, the explanation shall also be disclosed to that party.

#### **C. Conduct of Hearing:**

1. The hearing shall be held within a reasonable period of time after the charter school has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the charter school who does not have a direct interest in the outcome of the hearing. The board attorney shall be in attendance to present the board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The charter school shall decide writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on the 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 by the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

## **RECORD SECURITY**

A. **Responsible Authority:** The responsible authority shall be responsible for the maintenance and security of student records.

1. Each program director, subject to the supervision and control of the executive director, shall be the record manager for his or her school program and shall have the responsibility for maintaining and securing the privacy of student records according to charter school policy.

B. **Plan for Securing Student Records:** Each program director shall submit to the executive director a written plan for securing student records. The plan shall include:

1. A description of the records maintained.
2. Titles and addresses of a specific person(s) responsible for the security of student records.
3. Location of student records, by category, in the building(s)
4. Means of securing student records.
5. Procedures for access and disclosure.

The Executive Director shall examine all plans and certify in writing that they comply with the law and with this policy. Any proposed changes in plans are subject to approval by the Executive Director.

C. **Record Keeping:** Each program director shall maintain a record of each request for personally identifiable information from the education records of a student. The record shall indicate:

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 this policy that may make further disclosures of

personally identifiable information from the student's education records without consent

The above does not apply to requests by or disclosures to a parent or student, with the written permission of a parent or eligible student, disclosures to appropriate school officials, or disclosures of directory information.

The record of requests and disclosures may be inspected by:

1. The parent of the student or the eligible student.
2. The school official or his or her assistant who is responsible for the custody of the records.
3. Persons authorized by law to audit the charter school's record-keeping procedures.

## **RIGHTS OF PARENTS AND STUDENTS**

**Statement of Rights:** Parents and eligible students have the following rights under this policy:

1. To inspect and review the student's education records;
2. To consent to disclosures of personally identifiable information contained in the student's education records, except where consent is not required for disclosure;
3. 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;
4. To refuse the release of the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. To file a complaint with the U.S. Department of Education for alleged violations of federal law;
6. To be informed about rights under the federal law; and
7. To obtain a copy of this policy at the office of the executive director.

All rights of parents under this policy transfer to the student when they reach eighteen (18) years of age or enroll in an institution of post-secondary education. However, the parents of an eligible student, who is also a

dependent student, retain the right to gain access to the student's education records without first obtaining the student's consent.

The charter school shall respond to any request of a student, an eligible student, or the parent of an eligible student who is also a dependent student to inspect and review education records immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.

**Annual Notification of Rights:** The charter school shall give parents of students in attendance and eligible students in currently in attendance annual notice in a manner reasonably likely to inform the parents and eligible students of their rights to inspect and review the student's education records and the procedure for inspecting and reviewing education records, and the right to seek amendment of the student's education records to ensure the 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.

**Complaints about Non-Compliance:** 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. 20202-4605. A complaint filed under this section must contain specific allegations of fact giving reasonable cause to believe that a violation of federal law or rule has occurred.

Legal Reference:

**Minn. Stat. § 13.32 Minnesota Government Data Practices Act**

**Minn. Stat. § 124E.03, subd. 5(a)(charter schools must comply with the Minnesota Government Data Practices Act)**

**20 U.S.C. § 1232g Family Educational Rights and Privacy Act**

**34 CFR Part 99 Code of Federal Regulations under FERPA**

**Rationale:** *The purpose of this policy is to establish a well-defined system of maintaining and processing student records in conformity with state and federal rules and laws governing data privacy.*





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**AUGUST**

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
8	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**September**

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**October**

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**November**

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**December**

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**January**

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**February**

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

**March**

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**April**

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**May**

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**June**

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**JULY**

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**September**

8-First day of school  
21-23 NWEA Testing

**October**

15-16 No School, MEA  
22 Parent/Teacher Conferences 3-7pm

**November**

6 End of quarter 1  
9 No School/Professional Development  
26-27 No School/Holiday

**December**

24-Jan 1 No School/Winter Break

**January**

1 No School/Winter Break  
4 School Resumes  
22 End of Qtr/Exhibition Day  
18 No School/MLK Day  
25 No School/Professional Development

**February**

4-5 No School/Professional Development  
15 No School/Holiday

**March**

12 No School/Professional Development  
2 ACT Testing  
18 Conferences 3-7pm  
29- April 2 No School/Spring Break

**April**

1-2 No School/Spring Break  
8 End of Qtr/Exhibition Day

**May**

4-6 NWEA/MCA testing  
7 No School/Professional Development  
31 No School/Holiday  
10-12 NWEA Testing

**June**

10 Graduation Night  
10 Last day of School  
10 Half Day

**COLOR KEY:**

NO SCHOOL
TESTING
CONFERENCES
END OF QUARTER/EXHIBITION DAY
LAST DAY OF SCHOOL/HALF DAY

**NOTES:**

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Board approved date:



<b>Total days of school</b>	172
<b>Total minutes/day</b>	365
<b>Total hours /annual</b>	1046.33
<b>Total TPS contracted Days</b>	188
<b>Total Para Contracted Days</b>	
<b>Receptionist Contracted days</b>	
<b>Quarter Dates</b>	Sept 8-Nov 6 42 days
	Nov 12-Jan 22 43 days
	Jan 26- Apr 8 44 days
	Apr 10-Jun 10 42 days
<b>Conferences</b>	October 22
<b>Exhibiton Dates</b>	Nov 6
	Oct 22
	Apr 8
<b>Half Day</b>	June 10

<b>STAFF:</b>		
Prof Dev Days TPS	Aug 4	Nov 9
	Aug 26	Jan 25
	Aug 27	Feb 4
	Aug 28	Feb 5
	Aug 31	March 12
	Sept 1	May 7
	Sept 2	
	Sept 3	
Summer PD TPS	June	
	July	
Para PD	TBD	
Receptionist PD	TBD	