

LIONSGATE ACADEMY

701 PROTECTION AND PRIVACY OF PUPIL RECORDS

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I. PURPOSE

The purpose of this policy is to ensure that Lionsgate Academy complies with the law in regards to the collection, maintenance, and dissemination of pupil records and the privacy rights of students regarding student information.

II. DEFINITIONS

- A. **ELIGIBLE STUDENT:** 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 postsecondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the educational records of such a 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).
- B. **DEPENDENT STUDENT:** A school may disclose personally identifiable information from education records without consent when the disclosure is to the parents of a "dependent student" as that term is defined in Section 152 of the Internal Revenue Code. Generally, if either parent has claimed the student as a dependent on the parent's most recent year's income tax statement, the school may non-consensually disclose the eligible student's education records to both parents under this exception.
- C. **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 and photo/videotape (excluding security camera videos in schools and/or school bus), name of school attended, date of birth, grade in school, participation in officially recognized activities and sports, awards and honors, weight and height of members of athletic teams, dates of enrollment, last grade completed, date of graduation, and immunization. Directory information does not include personally identifiable data including but not limited to references regarding religion, race, gender, color, socioeconomic status or nationality, and/or sexual orientation.

III. GENERAL STATEMENT OF POLICY:

- A. Privacy Rights of Student Information:
1. The following policy regarding the protection and privacy of parents and students is adopted by Lionsgate Academy, pursuant to the requirements of 20 U.S.C. § 1232g, et Seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and Minn. Rules Pts. 1205.0100 to 1205.2000.

2. State law provides that all data collected, created, received or maintained by Lionsgate Academy is public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by Lionsgate Academy which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. § 1232g and the regulations promulgated thereunder.
3. Lionsgate Academy shall obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as data is deemed public information pursuant to the Minnesota Government Data Practices Act.
4. Prior Consent for Disclosure Not Required: Lionsgate Academy may disclose Personally Identifiable Information from the education records of a student without the written consent of the parent of the student or the eligible student if the information is disclosed to meet the requirements outlined in the Minnesota Government Data Practices Act.
 - a) Prior consent for disclosure is also not required if the disclosure is to officials of other schools, school districts, or institutions of postsecondary education 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, suspension and expulsion information pursuant to section 7165 4155 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. Upon 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.

B. Collection, Maintenance, and Dissemination of Pupil Records

1. Responsible Authority: The responsible authority shall be responsible for the maintenance and security of student records. The responsible authority for Lionsgate Academy is the Executive Director.
2. Parent of a Student, an Eligible Student or the Parent of an Eligible Student who is also a Dependent Student: Lionsgate Academy shall permit the Parent of a Student, an Eligible Student or the Parent of an Eligible Student who is also a Dependent Student who is or has been in attendance in Lionsgate Academy to inspect or review the education records of the student, except those records which are made confidential by state or federal law.

3. Response to Request for Access: Lionsgate Academy shall respond to any request, immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.
4. Request to Amend Education Records: The Parent of a Student or an Eligible Student or the Parent of an Eligible Student who is also a Dependent Student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy or other rights of the student may request that Lionsgate Academy amend those records.

C. COMPLAINTS FOR NONCOMPLIANCE

1. Where to File Complaints: Complaints can be filed with the Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, St. Paul, MN 55155. Complaints regarding alleged violations of rights afforded parents and eligible students by 20 U.S.C. §1232g, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S. W., Washington, D.C. 20202-4605.
2. Content of Complaint: A complaint filed pursuant to this Section must contain specific allegations of fact giving reasonable cause to believe that a violation of 20 U.S.C. § 123 2g and the rules promulgated thereunder has occurred.

D. DESTRUCTION AND RETENTION OF RECORDS

1. Lionsgate Academy shall comply with the records retention schedule approved by the Minnesota Department of Administration.
2. For data not listed under the retention schedule approved by the Minnesota Department of Administration, Lionsgate Academy shall comply with the authority of the proper state or federal agency.
3. The administration shall develop procedures to assure compliance with state and federal authority on data retention and destruction of records

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices)
Minn. Stat. 124E, Subd. 5 (Records and data requirements)
Minn. Rules Parts. 1205.0100-1205.2000
20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 et seq. (Every Student Succeeds Act)
34 C.F.R. §§ 99.1-99.8 (Family Educational Rights and Privacy)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. § 120A.22 (Transfer of Records)
Minn. Stat. § 121A.75 (Juvenile Justice Records)
Minn. Stat. § 138.17, 138.163 (Management of Local Records).
34 C.F.R. § 300.624(a)