

Effective Date: 5/21/18	500-33 Policy Regarding Rights of Students and Parents or Guardians Regarding Data Collection
Revision Date: 1/21/20, 12/15/20	Approved by: DPSA Board
Last Review Date 3/18/21	

The Duluth Public Schools Academy Charter School District 4020-07, has adopted the following policy in order to comply with its obligations under the Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MNGDPA).

I. Warning Notice Required When Collecting Data

When DPSA administrators or staff collect private data for student records, the student's parent or guardian, or the student if age eighteen (18) years or older, shall be informed of the following:

1. Purpose and intended use of the data collected;
2. Whether he/she may refuse or is legally required to supply the data;
3. Possible consequences of supplying or refusing to supply requested information; and
4. The identity of persons or entities authorized by state or federal law to receive the data.

Every notice of collection shall be tailored to the specific situation and shall be worded, to the extent possible, in a manner that can be easily understood so that the individual can make an informed choice about whether or not to supply the requested information.

II. Data Collection Requiring Written Consent

Plans for personality testing, diagnostic assessment, and any other individual testing should proceed only with informed written consent of the student's parent or guardian. When such consent is required, the student's consent should also be obtained in those instances where they understand the nature and consequence of such data collection. When a student reaches the age of eighteen (18) or is married, whether eighteen (18) or not, their consent alone must be obtained.

Parents and guardians are to be fully informed, in writing, as to the methods by which the data will be collected and the purposes for which the data will be utilized. Further, they shall be informed in writing the consequences of refusing to supply the information as well as the identities of those authorized to receive the information to be collected.

This type of data-gathering will be done only by qualified professional staff members.

As noted above, private or confidential data collected on an individual shall not be collected, stored, used, or disseminated by the school for purposes other than those stated to the individual at the time of collection.

III. Data Collection Through Interview

Certain special problems are presented in gathering data in student interviews by counselors, social workers, nurses, administrators, and psychologists. In most of these situations the requirement of informed consent may not be met, perhaps because of the unforeseeable course of the interview process. It is the responsibility of the professional staff member to help the student understand the implications of the interview situation, to protect the rights of the student regarding confidentiality of information obtained, and to stress the voluntary character of the student's participation. The professional should seek parental consent and involvement when the student is clearly in need of intervention but declines to participate, except when doing so would be inconsistent with applicable state and federal law.

IV. Examination of Records

Upon written request, a student, parent, or guardian shall be informed as to whether their student is the subject of stored data. Upon further request, the student, parent, or guardian shall be shown the data within a reasonable period of time and without any charge. (Upon request of the individual, parent, or guardian, provision for access to the records must be made no later than 45 days after the request has been made.) A school administrator competent in interpreting records should be available to explain the meaning and implications of certain data included in the records.

After being shown and informed about data contained within the records, the student, parent, or guardian need not be given access to the data again for six months thereafter, unless additional data has been collected. An entry in the Record of Inspection shall also be completed.

The school shall provide copies of the records upon request of the student, parent, or guardian providing that the cost of such reproduction is borne by the requesting individual.

V. Right to Challenge Student Records

Following the examination of a student's records by the student, parent, or

guardian, they may elect to contest the accuracy, completeness, or appropriateness of the records. If so, the following procedures are to be observed:

1. The student, parent, or guardian is to notify the responsible authority in writing, describing the nature of the challenge.
2. The responsible authority shall, within thirty (30) days, correct or delete the data if it is found to be inaccurate, incomplete, or inappropriate. They must also attempt to notify past recipients of the correcting actions.
3. If the responsible authority finds the data to be accurate and complete, they will notify the contesting individual within thirty (30) days that the alleged inaccuracy, incompleteness, or inappropriateness is denied.
4. Should the student, parent, or guardian choose to appeal the responsible authority's determination, an impartial review panel shall be established by the Head of School. The burden of proof as to the accuracy of the record shall be on the school. If the review panel finds the information to be inaccurate, incomplete, or inappropriate, the records shall be corrected.
5. Should the review panel support the responsible authority's contention that the record is accurate, complete, and appropriate, the student, parent, or guardian shall have the right to prepare and sign written objections to the information. The written objections shall be made a permanent part of the record in question.

ADD SECTIONS VI AND VII BELOW

VI. Right to Provide Consent Before Disclosure of Personally Identifiable Information

Except to the extent that FERPA authorizes disclosure without consent, DPSSA must obtain written consent before it discloses personally identifiable information from a student's education records.

VII. Right to File Complaint

Parents / eligible students who believe their rights have been violated may file a complaint with the:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

NOTE: All rights related to records transfer to a student when they turn eighteen (18).