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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. **2766**

February 8, 2010

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The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass and Read Second Time

By motion, re-referred to the Committee on Civil Justice

March 22, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to higher education; clarifying disclosure of educational data; amending
1.3 Minnesota Statutes 2008, section 13.32, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 13.32, subdivision 3, is amended to read:

1.6 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in
1.7 subdivision 5, educational data is private data on individuals and shall not be disclosed
1.8 except as follows:

1.9 (a) pursuant to section 13.05;

1.10 (b) pursuant to a valid court order;

1.11 (c) pursuant to a statute specifically authorizing access to the private data;

1.12 (d) to disclose information in health, including mental health, and safety emergencies
1.13 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
1.14 of Federal Regulations, title 34, section 99.36;

1.15 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
1.16 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal
1.17 Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

1.18 (f) to appropriate health authorities to the extent necessary to administer
1.19 immunization programs and for bona fide epidemiologic investigations which the
1.20 commissioner of health determines are necessary to prevent disease or disability to
1.21 individuals in the public educational agency or institution in which the investigation
1.22 is being conducted;

1.23 (g) when disclosure is required for institutions that participate in a program under
1.24 title IV of the Higher Education Act, United States Code, title 20, section 1092;

2.1 (h) to the appropriate school district officials to the extent necessary under
2.2 subdivision 6, annually to indicate the extent and content of remedial instruction, including
2.3 the results of assessment testing and academic performance at a postsecondary institution
2.4 during the previous academic year by a student who graduated from a Minnesota school
2.5 district within two years before receiving the remedial instruction;

2.6 (i) to appropriate authorities as provided in United States Code, title 20, section
2.7 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
2.8 system to effectively serve, prior to adjudication, the student whose records are released;
2.9 provided that the authorities to whom the data are released submit a written request for
2.10 the data that certifies that the data will not be disclosed to any other person except as
2.11 authorized by law without the written consent of the parent of the student and the request
2.12 and a record of the release are maintained in the student's file;

2.13 (j) to volunteers who are determined to have a legitimate educational interest in
2.14 the data and who are conducting activities and events sponsored by or endorsed by the
2.15 educational agency or institution for students or former students;

2.16 (k) to provide student recruiting information, from educational data held by colleges
2.17 and universities, as required by and subject to Code of Federal Regulations, title 32,
2.18 section 216;

2.19 (l) to the juvenile justice system if information about the behavior of a student who
2.20 poses a risk of harm is reasonably necessary to protect the health or safety of the student
2.21 or other individuals;

2.22 (m) with respect to Social Security numbers of students in the adult basic education
2.23 system, to Minnesota State Colleges and Universities and the Department of Employment
2.24 and Economic Development for the purpose and in the manner described in section
2.25 124D.52, subdivision 7;

2.26 (n) to the commissioner of education for purposes of an assessment or investigation
2.27 of a report of alleged maltreatment of a student as mandated by section 626.556. Upon
2.28 request by the commissioner of education, data that are relevant to a report of maltreatment
2.29 and are from charter school and school district investigations of alleged maltreatment of a
2.30 student must be disclosed to the commissioner, including, but not limited to, the following:

2.31 (1) information regarding the student alleged to have been maltreated;

2.32 (2) information regarding student and employee witnesses;

2.33 (3) information regarding the alleged perpetrator; and

2.34 (4) what corrective or protective action was taken, if any, by the school facility in
2.35 response to a report of maltreatment by an employee or agent of the school or school
2.36 district;

3.1 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
3.2 of a crime of violence or nonforcible sex offense to the extent authorized under United
3.3 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations,
3.4 title 34, sections 99.31(a)(13) and (14);

3.5 (p) when the disclosure is information provided to the institution under United States
3.6 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
3.7 under United States Code, title 20, section 1232g(b)(7); or

3.8 (q) when the disclosure is to a parent of a student at an institution of postsecondary
3.9 education regarding the student's violation of any federal, state, or local law or of any
3.10 rule or policy of the institution, governing the use or possession of alcohol or of a
3.11 controlled substance, to the extent authorized under United States Code, title 20, section
3.12 1232g(i), and Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the
3.13 institution has an information release form signed by the student authorizing disclosure
3.14 to a parent. The institution must notify parents and students about the purpose and
3.15 availability of the information release forms. At a minimum, the institution must distribute
3.16 the information release forms at parent and student orientation meetings.