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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 321

01/11/2023

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to government data practices; limiting the educational data that may be
1.3 designated as publicly available directory information; allowing private educational
1.4 data to be shared with government entities having a legitimate education interest
1.5 in the data; amending Minnesota Statutes 2022, section 13.32, subdivisions 3, 5.

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

1.7 Section 1. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

1.8 Subd. 3. Private data; when disclosure is permitted. Except as provided in subdivision
1.9 5, educational data is private data on individuals and shall not be disclosed except as follows:

1.10 (a) pursuant to section 13.05;

1.11 (b) pursuant to a valid court order;

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

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

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

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

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

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

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

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

2.18 (k) to provide student recruiting information, from educational data held by colleges  
2.19 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
2.20 216;

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

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

2.28 (n) to the commissioner of education for purposes of an assessment or investigation of  
2.29 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request  
2.30 by the commissioner of education, data that are relevant to a report of maltreatment and are  
2.31 from charter school and school district investigations of alleged maltreatment of a student  
2.32 must be disclosed to the commissioner, including, but not limited to, the following:

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

3.1 (2) information regarding student and employee witnesses;

3.2 (3) information regarding the alleged perpetrator; and

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

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

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

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

3.21 (r) a student's name, home address, telephone number, email address, or other personal  
3.22 contact information may be disclosed to a government entity that is determined to have a  
3.23 legitimate educational interest in the data and that is conducting a service, activity, or event  
3.24 sponsored by or endorsed by the educational agency or institution for students or former  
3.25 students.

3.26 Sec. 2. Minnesota Statutes 2022, section 13.32, subdivision 5, is amended to read:

3.27 Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory  
3.28 information is public data on individuals to the extent required under federal law. Directory  
3.29 information must be designated pursuant to the provisions of:

3.30 (1) this subdivision; and

4.1 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title  
4.2 34, section 99.37, which ~~are~~ were in effect on January 3, 2012, ~~is public data on individuals,~~  
4.3 to the extent required under federal law.

4.4 (b) When conducting the directory information designation and notice process required  
4.5 by federal law, an educational agency or institution shall give parents and students notice  
4.6 of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about  
4.7 the student as directory information. This notice may be given by any means reasonably  
4.8 likely to inform the parents and students of the right.

4.9 (c) An educational agency or institution may not designate a student's home address,  
4.10 telephone number, email address, or other personal contact information as directory  
4.11 information under this subdivision. This paragraph does not apply to a postsecondary  
4.12 institution.

4.13 **Sec. 3. EFFECTIVE DATE.**

4.14 This act is effective the day following final enactment. Beginning upon the effective  
4.15 date of this act, a student's personal contact information subject to this act must be treated  
4.16 by an educational agency or institution as private educational data under Minnesota Statutes,  
4.17 section 13.32, regardless of whether that contact information was previously designated as  
4.18 directory information under Minnesota Statutes, section 13.32, subdivision 5.