MN HOUSE RESEARCH

Subject	Educational Data: Public Directory Information
Authors	Becker-Finn
Analyst	Nathan Hopkins
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Summary

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. One FERPA provision allows a school to designate certain non-sensitive education records as "directory information" that can be publicly released without student or parent consent. Directory information typically includes information like a student's name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, and dates of attendance – the kind of information one would typically find in a school directory or yearbook. FERPA requires schools to give parents and "eligible students" (i.e., students who have reached 18 years of age or who are attending a postsecondary institution at any age) annual notice about what information the school designates as public directory information and an opportunity to opt *out* of the designation. *See* 34 CFR § 99.3 and 34 CFR § 99.37. A parent or eligible student who chooses to opt out would have their directory information remain private.

Minnesota's Government Data Practices Act (GDPA) (Minn. Stat. ch. 13) is a state law that also protects the privacy of "educational data" that a public school maintains on students. *See* Minn. Stat. § 13.32. The GDPA currently incorporates FERPA's directory information provisions and permits schools to release educational data properly designated as directory information under FERPA's notice and opt-out procedure.

This bill would require public schools in Minnesota to move to an opt-*in* procedure in order to reclassify directory information as public. This means that any educational data a school seeks to designate as directory information under FERPA must remain private under the GDPA unless the parent or eligible student affirmatively allows the data to be disclosed. Thus the bill essentially changes the default classification of directory information from public (with the opportunity to make it private) to private (with the opportunity to make it public).