



Q&A: Transmittal of Disciplinary Records

The Minnesota Department of Education (MDE), Division of Compliance and Assistance has developed this document to provide technical assistance to parents and school districts that have raised questions about the transmittal of a student's disciplinary records to other schools. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

Question 1: Must a school district or charter school obtain parental consent prior to transferring a student's educational record to a school where the student has or plans to transfer?

Answer: No. However, the school district or charter school must have provided prior notice to the parent in the school's annual notification of Federal Educational Rights and Privacy Act rights or provide individualized notice at the time of the transfer.

Authority: Minn. Stat. § 120A.22, Subd. 7(c); 34 C.F.R. § 99.7(a)(2); 34 C.F.R. § 99.31(a)(2); 34 C.F.R. § 99.34(a)(i)(ii) and (b).

Question 2: What is the purpose of the notice?

Answer: The notice informs parents that they have the opportunity to inspect and review their student's educational records and seek amendment of the records if the parent or eligible student believes information is inaccurate, misleading, or otherwise in violation of the student's privacy rights. The notice also informs parents that their prior consent is not required for release of a student's education records, including records of formal disciplinary actions, to school officials from another school district where the student seeks or intends to enroll or transfer.

Authority: 34 C.F.R. §§ 99.7 and 99.31; Minn. Stat. §§ 120A.22, Subd. 7(c) and 121A.40-56.

Question 3: Are a student's suspension and expulsion disciplinary records considered education records?

Answer: Yes. Minnesota law requires that information about any formal suspension, expulsion, and exclusion disciplinary action under the Pupil Fair Dismissal Act (PFDA) must be included in the education records transferred to another school.

Authority: 34 C.F.R. §§ 99.3(a), 34 C.F.R. §300.229, Minn. Stat. §§ 13.32, 120A.22, Subd. 7(c), and 121A.40-56.

Question 4: When must a school district, charter school, or nonpublic school that receives services or aid under Minnesota Statutes Sections 123B.40 through 123B.48 (nonpublic school) transmit a student's educational record?

Answer: A school district, charter school, or nonpublic school must transmit a student's education record to another school district or other educational entity, charter school or nonpublic school to which the student is transferring. The transfer must take place within 10 business days of a request. Further, a school district, charter school, and nonpublic school must make reasonable efforts to determine where a student is transferring in order to comply with state law.

Authority: Minn. Stat. §§ 120A.22 Subd. 7(a)-(c) and 123B.40-123B.48