

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 440 – Subpoena of a School District Employee

1.0 Purpose

The purpose of this policy is to protect the privacy rights of school district employees and students under both state and federal law when requested to testify or provide educational records for a judicial or administrative proceeding.

2.0 General Statement of Policy

This policy is to provide guidance and direction for school district employees who may be subpoenaed to testify and/or provide educational records for a judicial or administrative proceeding.

3.0 Data Classification

3.1 The Minnesota Government Data Practices Act (MGDPA), Minn. Stat. Ch. 13, classifies all educational data, except for directory information, as designated by the school district, as private data on individuals. The state statute provides that private data on individuals may not be released, except pursuant to informed consent by the subject of the data or pursuant to a valid court order. A subpoena is not a court order under the MGDPA.

3.2 The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, provides that educational data may not be released, except pursuant to informed consent by the individual subject of the data or a judicial order. Regulations promulgated under the federal law require that the school district must first make a reasonable effort to notify the parent of the student, or the student if the student is 18 year of age in advance of releasing the information pursuant to the order.

.4.0 Application and Procedures

4.1 Any employee who receives a subpoena for any purpose related to his or her employment is to inform the building administrator or designated supervisor when the employee receives the subpoena. The building administrator or designated supervisor shall immediately inform the superintendent that the employee has received a subpoena.

4.2 No administrator or other employee may release educational data, personnel data, or any other data of any kind without consultation in advance with the school district official who is designated as the authority responsible for the collection, use and dissemination of data. The designated district official may confer with school district legal counsel prior to the release of such data.