

1.1 A bill for an act
1.2 relating to government data practices; requiring an opt-in process to designate
1.3 education data as public directory information; amending Minnesota Statutes 2020,
1.4 section 13.32, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

1.7 Subd. 5. **Directory information.** ~~Information~~ (a) Education data designated as directory
1.8 information pursuant to the provisions of this subdivision, United States Code, title 20,
1.9 section 1232g, and Code of Federal Regulations, title 34, section 99.37, which are in effect
1.10 on January 3, 2012, is public data on individuals, to the extent required under federal law.
1.11 When conducting the directory information designation and notice process required by
1.12 federal law, an educational agency or institution ~~shall give parents and students notice of~~
1.13 ~~the right to refuse to let the agency or institution designate any or all data about the student~~
1.14 ~~as directory information. This notice~~ must use an opt-in process that allows a parent or
1.15 eligible student to affirmatively permit the agency or institution to designate specified
1.16 education data as directory information. If the parent or eligible student does not affirmatively
1.17 permit the education data to be designated as directory information, the data is private data
1.18 on individuals pursuant to subdivision 3.

1.19 (b) The directory information notice may be given by any means reasonably likely to
1.20 inform the parents and students of ~~the right~~ their rights under this subdivision and federal
1.21 law.

2.1 (c) For purposes of this subdivision, "eligible student" has the meaning given in United
2.2 States Code, title 20, section 1232g, paragraph (d), and Code of Federal Regulations, title
2.3 34, section 99.3.

2.4 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
2.5 This section does not affect the classification of education data, including education data
2.6 classified as directory information, collected, created, received, maintained, or disseminated
2.7 prior to the 2022-2023 school year.