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To: All Public School Academies, Boards and Educational Service Providers

From: Bay Mills Community College Charter Schools Office

Re: Michigan Law Regarding Student Privacy Requirements Applicable to Authorizing Bodies, Public School Academies and Educational Management Organizations

Dated: August 9, 2021

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The purpose of this legal bulletin is to advise all Public School Academy Board of Directors that the Michigan Legislature has enacted MCL 380.1136 Protection of pupil privacy which became effective March 22, 2017. Briefly, MCL 380.1136 added a section to the Revised School Code to require that Authorizing Bodies, Public School Academies and Educational Management Organizations comply with certain privacy disclosure requirements for personal student data, which includes but is not limited to:

- prohibits the Board of Directors of a public school academy (PSA), from disclosing or selling student education records with exceptions;
- requires a PSA to develop a list of common uses for which a pupil's directory information may be disclosed, develop an opt out form that lists those instances, and allow a parent/legal guardian, student 18 years of age, or an emancipated minor to exclude the pupil's directory information from various uses by signing the opt out form;
- has several provisions regarding parental notification and disclosure of student information.

For your information, Section MCL 380.1136 can be found at:

[http://www.legislature.mi.gov/\(S\(fjextw2q4ddc00bfh0faw5lp\)\)/mileg.aspx?page=getObject&objectName=mcl-380-1136](http://www.legislature.mi.gov/(S(fjextw2q4ddc00bfh0faw5lp))/mileg.aspx?page=getObject&objectName=mcl-380-1136).

Please ensure that you review the law and that your Public School Academy policies and practices are in compliance with the statute. <sup>1</sup> Please note that this legal bulletin is advisory in nature and does not constitute legal advice. If you need legal advice regarding this issue, please consult with your attorney(s).

<sup>1</sup>**All Public School Academies must comply with MCL 380.136, in accordance with the terms and conditions of their Contract(s).** Article VIII, Section 8.1 Compliance with Part 6A and other parts of the Code. The Academy shall comply with Part 6A and other parts of the Code that apply to public school academies and Article VIII, Section 8.10 Other State Laws. The Academy shall comply with other state laws which are applicable to public school academies. Nothing in this Contract shall be deemed to apply any other state law to the Academy.