

The Richmond School District, in compliance with state and federal law, maintains confidential student records.

Student records shall be maintained in the interest of the student to assist school personnel in providing appropriate educational experiences for each student in the District.

The School Board recognizes the need for confidentiality of student records. Therefore, the District shall maintain the confidentiality of student records at collection, storage, disclosure and destruction. Student records shall be available for inspection or release only with prior approval of the student's parent or guardian or the adult student, except in situations where legal requirements specify release of records without such prior approval.

The District Administrator shall have primary responsibility for the collection, maintenance and dissemination of student records in accordance with state and federal laws and established District procedures.

Student record notices shall be published annually in accordance with state and federal law.

The District ensures that employees accessing confidential student records receive training in appropriate and current records retention procedures as well as confidentiality requirements. Questions pertaining to the confidentiality of student records and permitted or required disclosures should be directed to the District Administrator.

*For the purposes of this policy, "parent(s)" means natural parent(s), legal guardian(s), or guardian(s) ad litem.*

**Student records** are all records relating to an individual student maintained by the school. A "record" is any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristic. The District maintains several types of student records, including directory data, progress records, behavioral records, student physical health records, and patient health care records.

Student records, however, do **not** include the following:

1. Any notes or records maintained for personal use by either teachers or others permitted by law, as long as these notes or records are not available to others.
2. Records necessary for, and only available to people involved in, the psychological treatment of a child. In the Richmond School District, the school psychologist is qualified to provide psychological treatment. The following services constitute psychological treatment: one-on-one or group counseling services provided by our school psychologist.
3. Law enforcement unit records, which are records maintained by a law enforcement

unit that were created by that law enforcement unit for the purpose of law enforcement. A law enforcement unit is any individual, office, division, department, or other component of the District that is authorized by the school board to maintain the physical safety and security of the school, enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement, against any person other than the District. In the Richmond School District the school administrators serve as a law enforcement unit.

4. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
5. Test protocols, test instruments and interpretive materials that do not contain personally identifiable information, such as the student's name. (Answer sheets that do contain the student's name, are student records, and may require explanation and interpretation from school staff.)

Although technically student records, applicable law limits a parent's right to information regarding a student's reproductive health and HIV test results.

**Directory data** includes the following student records maintained by the District: Name, address, telephone listing, date and place of birth, dates of attendance, photographs, and the name of the school most recently attended by the student. More information on the District's Directory Data policy and procedure may be found later on in this policy.

**Progress records** include the following student records maintained by the District: a statement of courses taken by the student, student's grades, subject areas, the student's attendance record, the student's extracurricular activities, the student's immunization records, and any lead screening records.

**Behavioral records** include the following student records maintained by the District: psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records other than his or her immunization records, certain lead screening records, certain court records and law enforcement agency records.

1. "Law enforcement agency records" include those records and other information obtained from a law enforcement agency relating to: (1) the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the District, (2) the illegal possession of a dangerous weapon by a child, (3) an act for which a District student was taken into custody based on the law enforcement officer's belief that he/she violated or was violating any state or federal criminal laws, and (4) the act for which a juvenile enrolled in the District was adjudged delinquent. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the District Administrator or designee, subject to the agency's official policy. The District may also enter into an interagency agreement with law enforcement and other appropriate agencies to provide for the routine disclosure of record information in accordance with state law provisions. If a law enforcement agency denies access to any of the aforementioned records, the District may file a petition with the court seeking access to the records based on legitimate

educational or safety interests in the records.

2. "Court records" include those records received from a court clerk concerning a juvenile enrolled in the District who: (1) has had a petition filed with a court alleging that he/she has committed a delinquent act that would be a felony if committed by an adult, (2) has been adjudged delinquent, (3) has school attendance as a condition of his/her court dispositional order, or (4) has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang that would be a felony if committed by an adult, and has been adjudged delinquent on that basis.

**Student physical health records** include basic health information about a student maintained by the District, including the student's immunization records, an emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a record concerning the student's ability to participate in an education program, certain lead screening records, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information as determined by the State Superintendent of Public Instruction.

**Patient health care records** are all student records maintained by the District relating to a student's physical health that are not contained in the list of student physical health records. Any student's record concerning HIV status, however, is treated differently as described below. Any record that is required to be treated as a patient health care record is subject to different disclosure and confidentiality requirements than other behavioral records.

### **Access to Student Records**

The Richmond School District must protect confidentiality of and allow access to student records as provided by this policy and applicable law. For example, the District must also comply with the provisions of the Children's Online Protection Act regarding information available on its website, the National School Lunch Act regarding information in student records regarding free and reduced price meal eligibility, and the Drug and Alcohol Patient Records Confidentiality Act regarding students who apply for or receive alcohol or drug abuse treatment services as well as the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPPA). The District also addresses related issues, such as parent access to information under the No Child Left Behind Act, and security of electronic data in the following policies:

#### **Access to Student Records Generally (Excluding Patient Health Care Records)**

1. **Persons Employed by the District.** School officials shall have access to a student's records only if they have a legitimate educational interest, including safety interest, in the record. A "school official" is a person employed by the District who is required by the Department of Public Instruction (DPI) to hold a license; a law enforcement officer(s) who is individually designated by the Board and assigned to the District, a person who is employed by or working on behalf of the District as an administrator, supervisor, instructor or support staff member (including health or medical staff); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as an attorney, hearing officer, auditor, medical consultant or therapist); or a person serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his/her professional or District

responsibility. This includes, but is not limited to: 1) those performing educational or discipline related tasks in connection with a student; 2) those providing services to a student or the student's family, such as emergency health care, counseling, special education, or related services, and school or job placement services; and 3) those performing administrative or other duties for the District.

Law enforcement agency record information received by the District may be made available to those school officials with legitimate educational interests, including safety interests, in the information. If law enforcement agency record information obtained by the District relates to a District student, the information may also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, except action under the District's athletic/activity code.

Court records obtained by the District must be disclosed to District employees who work directly with the juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, except action under the District's athletic/activity code.

Nothing in this policy prohibits the District from using a student's record(s) in connection with the suspension or expulsion of the student, unless otherwise prohibited by law.

In addition, information concerning the student's physically harmful behavior may be disclosed to the student's teachers and to any other school district official who has a legitimate educational interest (as defined above) or safety interest in the information if the District determines, based on evidence that a student engaged in behavior that seriously physically harmed another individual within the previous 12 months or that a student has engaged in a pattern of behavior causing serious physical harm to another individual, that there is reasonable cause to believe that the student may engage in behavior at school or under the supervision of a school authority that is physically harmful to another individual. The information must be limited to information reasonably necessary to meet the educational needs of the student and the safety needs of other students and school personnel. The teacher or other school district official may not disclose the information to any other person. Such information may also be disclosed in connection with a health or safety emergency, as described below.

2. **Persons Named In Authorization for Release of Records.** The parent of a minor student may give the District written permission to release the student's progress records or such portions of the student's behavioral records as determined by the person authorizing the release. When the District receives such permission, it must disclose the student's progress records and any specified behavioral records to the person named in the permission. Requesting disclosure should complete the District's "Permission to Exchange Information" form (Exhibit). The District may not disclose law enforcement officers' records under this section unless the parent of a minor student specifically authorizes disclosure in the written permission.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's student records.

3. **Courts.** The District must disclose student records to a court in response to a subpoena from parties to an action for in camera inspection, and to be used only for impeachment of a witness who has testified in the action. The District will make a reasonable effort to notify a parent or guardian of the subpoena prior to complying with the subpoena except when (1) a parent or guardian is a party to a court proceeding involving child abuse and neglect or dependency matters and the subpoena is issued in the context of such a proceeding; (2) the subpoena itself prohibits such notice; (3) or any applicable law prohibits disclosure of the subpoena to the parent or guardian.
4. **Public Officers and the Department of Public Instruction.** The District must provide any public officer with records that Chapters 115 through 121 of the Wisconsin Statutes require the District to maintain. The District must provide the Department of Public Instruction with any information contained in a student record that relates to an audit and evaluation of state or federal supported programs, or that is required to determine compliance with requirements under Chapters 115 through 121 of the Wisconsin Statutes. Student records may also be provided to the DPI for other purposes consistent with both state and federal law.
5. **Various agencies for purpose of providing services before adjudication.** The District may disclose student records to the following for the purpose of providing services to a student before adjudication: a law enforcement agency, district attorney, city attorney or corporation counsel, department of corrections, county department, licensed child welfare agency, intake worker, court of record, municipal court, private school or another school board pursuant to an interagency agreement. To disclose student records to any of these organizations or individuals, the organization or individual must first certify in writing that the records will not be disclosed to any other person, except as permitted by law.

The District, when reporting a crime that may have been committed by a student with a disability, is required to ensure that copies of the student's special education and disciplinary records are provided to the law enforcement authorities to whom the District has reported the crime. However, such disclosures must be pursuant to an applicable provision for disclosure under state and federal student records law. In general, the District will consider the following: (1) whether disclosure of the records is appropriate due to the existence of a health and safety emergency; and (2) if no imminent emergency exists, whether parent or guardian consent has been obtained for the disclosure or whether some other basis exists under the state and federal student records laws.

The District shall make student records available for inspection or, upon request, disclose the contents of student records to authorized representatives of the Department of Corrections, the Department of Health Services, the Department of Children and Families, the Department of Justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under Chapter 980 of the state statutes (related to commitment of sexually violent persons), if the student records involve or relate to an individual who is the subject of the proceeding or evaluation.

6. **Disclosure to Individuals Named in Court Order.** The District must disclose student records in compliance with certain court orders, as required by applicable law. (Wis. Stat. 118.125(2)(L).)
7. **Disclosure to Appropriate Parties in Emergency.** The District may disclose student records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual. In making this determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from student records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. The District shall record the following information when it discloses student record information under this exception: (1) the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (2) the parties to whom the District disclosed the information.
8. **Health Officials:** Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements. Summary student immunization data shall be reported. Individual student information for those students out of compliance with school immunization laws shall not be reported to the local health department or to the District Attorney without specific written parental consent for the reporting.
9. **Other Entities:** Upon request and after obtaining written consent to the extent required by federal law, the names of students who have withdrawn from school prior to graduation to participate in a program leading to high school graduation or an equivalency diploma shall be provided to the technical college district board in which the public school is located or, for verification of eligibility for public assistance, to the Department of Health Services, the Department of Children and Families or a county department under section 46.215, 46.22 or 46.23 of the state statutes. Annually, on or before August 15, the District shall report to the appropriate community services boards established under sections 51.42 and 51.437 the names of students who reside in the District, who are 16 years of age or older, who are not expected to be enrolled in an educational program two years from the date of the report and who may require services under section 51.42 or 51.437 (community mental health, development disabilities, alcoholism and drug abuse). The parent(s) or guardian(s) of such students shall be contacted to obtain informed consent prior to making such a report.
10. **Non-resident School for Open Enrollment:** The District shall provide student records necessary for purposes of open enrollment in another public school district to the extent required by law. These records may include copies of any individualized education program (IEP) that has been developed for a student with a disability and the following student discipline-related records:
  - (1) A copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student;
  - (2) A written explanation of the reasons for the expulsion or pending disciplinary proceedings; and

- (3) The length of the term of the expulsion or the possible outcomes of the pending proceedings.

### **Access to Directory Data**

On an annual basis, the District must notify all parents of the categories of information designated as directory data with respect to each student. This notice further states that parents must notify the school within 14 days if the parent does not want the District to disclose all or any part of the directory data regarding their child without the parent's prior consent. If the District allows the parent 14 days to respond, and does not receive notice from the parent that the directory data may not be disclosed without the parent's prior consent, the District may disclose the directory data to any person without the parent's consent.

If the District allows the parent guardian 14 days to respond, and does not receive notice from the parent that the directory data may not be disclosed without the parent's prior consent, the District must disclose the following information: directory data for the purpose of enforcing attendance, investigating alleged criminal or delinquent activity, or in response to a health or safety emergency to any representative of a law enforcement agency, district attorney, city attorney or corporation counsel, department of corrections, county department, licensed child welfare agency, intake worker, court of record or municipal court.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's student records.

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

(a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.

(b) Directory information does not include a student's— (1) Social security number; or (2) Student identification (ID) number, except as provided in paragraph (c) of this definition. (c) In accordance with paragraphs (a) and (b) of this definition, directory information includes— (1) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and (2) A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

§ 99.37 What conditions apply to disclosing directory information?

(a) An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of:

(1) The types of personally identifiable information that the agency or institution has designated as directory information;

(2) A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and

(3) The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(b) An educational agency or institution may disclose directory information about former students without complying with the notice and opt out conditions in paragraph (a) of this section. However, the agency or institution must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt out request.

(c) A parent or eligible student may not use the right under paragraph (a)(2) of this section to opt out of directory information disclosures to— (1) Prevent an educational agency or institution from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled; or (2) Prevent an educational agency or institution from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information under § 99.3 and that has been properly designated by the educational agency or institution as directory information in the public notice provided under paragraph (a)(1) of this section.

(d) An educational agency or institution may not disclose or confirm directory information without meeting the written consent requirements in § 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.”

### **Access to Progress Records**

- 1. Students and their Parents.** Upon request, the District must show and provide copies of a student's progress records to the student or the student's parent. The District must comply with such requests as soon as practicable, and within 45 calendar days after the District receives the request.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's progress records.

- 2. Judges and Courts.** Upon request of a judge of any Wisconsin court, or federal court, the District must provide progress records of a student who is the subject of any proceeding in that court.
- 3. Law Enforcement – Attendance Records Only.** The District must provide a copy of a student's attendance record to a law enforcement agency if the law enforcement agency certifies the following in writing: 1) the student is under investigation for truancy or for

allegedly committing a criminal or delinquent act; 2) the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. When the District discloses a student's attendance record for purposes of truancy, the District will notify the student's parent of the disclosure as soon as practicable after the disclosure.

4. **Fire Investigator – Attendance Records Only.** The District must provide a copy of a student's attendance record to a fire investigator if the fire investigator certifies the following in writing: 1) the student is under investigation for arson ; 2) the attendance record is necessary for the fire investigator to pursue the investigation; and 3) the fire investigator will only disclose the student's attendance record for the purpose of pursuing the investigation.
5. **County Department – Attendance Records Only.** If a student violates a school attendance provision of a dispositional order, the District must notify the county department responsible for supervising a child within 5 days after the violation.
6. **Courts – Dropout Names Only.** In response to a court order, the District must provide to the court names of students the District knows to be dropouts residing within the county in which the circuit court is located or the municipality in which the municipal court is located.

## **Access to Behavioral Records**

1. **Students and their Parents.** Upon request, the District must show a student's behavioral record to the student's parent in the presence of a person qualified to explain and interpret the records. Upon request, the District must provide the student's parent with copies of the student's behavioral records. The District will comply with such requests as soon as practicable, and within 45 calendar days after the District receives the request.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's behavioral records.

## **Access to Pupil Physical Health Records**

1. **Department of Health and Family Services – Immunization Records Only.** The District must make information from a student's immunization records available to the department of health and family services to carry out the purposes permitted by law.
2. **State and Local Health Officials – Lead Screening Records Only.** Information from any student lead screening records shall be made available to state and local health officials to carry out the purposes permitted by law.

## **Access to Patient Health Care Records**

All patient health care records must remain confidential. As a result, any District employee receiving patient health care records must keep that information confidential, unless disclosure is permitted by this policy or applicable law. For example, the law permits disclosure to persons with the informed consent of student's parents. Parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's patient health care records.

The District's patient health care records may be released upon request without informed consent as allowed by applicable law, and to a District employee or agent, if the following apply:

- a) The employee or agent has responsibility for the preparation or storage of patient health care records
- b) Access to patient health care records is necessary to comply with a requirement in federal or state law. This includes school district employees and agents who need the information to carry out specific duties relating to the identification, evaluation, placement and provision of a free and appropriate public education to a child with a disability under state and federal special education laws
- c) The information is necessary for the staff person to respond to a health emergency

Any student record that concerns the results of a test for the presence of HIV antigen or non antigenic products of HIV or an antibody to HIV (the virus which causes acquired immunodeficiency syndrome-AIDS) shall be confidential and may be disclosed to other persons only with the informed consent of the test subject.

## **Parent Consent to Disclosure**

*For purposes of this policy, "consent" means written consent that includes all of the following information:*

- name of the student whose record is being disclosed
- type of information to be disclosed
- names of the person(s) making the disclosure
- purpose of the disclosure
- individual, agency or organization to which disclosure may be made
- signature of the parent and the relationship to the student
- date on which the consent is signed
- time period during which the consent is effective

When requesting consent for release or exchange of information from a parent or student, the District will provide its "Permission to Exchange Information" form. To consent to release or exchange of information, the parent must complete, sign and date the form.

To the extent authorized by state and federal law, a parent shall have access to a student's school records regardless of whether the parent has legal custody of the child, unless the parent has been denied periods of physical placement with the child as ordered by the court.

Personally identifiable information from an adult student's records may be disclosed to the student's parent(s) or guardian(s), without the adult student's written consent, if the adult student is a dependent of his/her parent(s) or guardian(s) under the Internal Revenue Code. However, disclosure under this paragraph shall not be made when an adult student has informed the school, in writing, that the information may not be disclosed.

## **Fees for Copies of Student Records**

The District may charge a fee for copies of student records, unless the fee effectively prevents a parent of an eligible student from exercising the right to inspect and review the record. Where the fee represents an unusual hardship, the District's record custodian may waive it in part or in its entirety. The District's record custodian is the District Administrator or designee. The fees for copies of the records will be the actual, necessary and direct cost of reproduction and/or transcription of the record unless a fee is otherwise specifically established or authorized to be established by law. A schedule of fees may be obtained from the record custodian.

## **Maintaining Student Records**

The District Administrator has primary responsibility for maintaining the confidentiality of student records kept in the District. Law enforcement unit records (which are not student records, as discussed above), AODA records, and patient health care records (including information regarding a student's reproductive health and HIV testing) must be maintained separately from a student's other records.

The Special Education Director has primary responsibility for maintaining the confidentiality of all student records stored at the Special Education Office for students with disabilities under IDEA, or for students who have been referred for Pupil Services evaluations.

All requests for inspection of progress and behavioral records, other than those regarding special education records, should be directed to the District Administrator. All requests for inspection of special education or pupil services evaluations should be directed to the Special Education Director. All requests for inspection of patient health care records should be directed to the school nurse.

The District must maintain a record of requests for access and disclosures with each student record as long as the student records are maintained. This record does not include access by parents, school officials, any party with written consent from the parent, any party seeking directory information and subpoenas. When the record is required, it must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

The District must maintain a record of all persons, including parents and school personnel, obtaining access to patient health care records. A record of access to patient health care records must also include the time of the release and identify the specific records released.

### **Transferring Student Records**

The District Administrator must ensure that professional staff reviews the records of each student transferring from middle to high to ensure compliance with the IDEA and Section 504. The District Administrator is also responsible for transferring records to the high school. If the building administrator of the receiving building does not receive the records, he/she must contact the District to request the records immediately.

The District must transfer all of a student's records, including behavioral records, to another public or private school or school district without parent consent within five (5) working days after one of the following occurs:

1. the District receives written notice from another public or private school or district that the student has enrolled.
2. the District receives written notice from a court that the student has been placed in a juvenile correction facility or secured child caring institution or secured group home.

The District must transfer student records only. As a result, personally identifiable records that are not student records (including, but not limited to, personal notes or records used for the psychological treatment of the pupil, as defined above) may not be transferred.

When transferring patient health care records generated within the District, the District must seal these records in a separate envelope and address them to the receiving school or district's health care provider. To transfer patient health care records received from outside providers, the District must request informed consent from the student's parents, depending on the contents, the student. If the District receives consent, it must transfer the record as a sealed patient health care record. If the District does not receive consent, the District must prepare a summary of the educationally relevant information and transfer it without consent as a pupil physical health record. The District must retain copies of these records as required by applicable law, and the "Destroying Student Records" section, below.

## **Destroying Student Records**

The District will maintain all student progress records for a minimum of five (5) years after the student ceases to be enrolled in the school. This includes records of students who transfer out of the District, graduate, or leave the District for any other reason.

The District will maintain students' behavioral records for one (1) year after the student ceases to be enrolled in the District, unless the parent or adult student specifies in writing that the records may be maintained for a longer period of time or unless otherwise required for compliance purposes. This includes records of students who transfer out of the District, graduate, or leave the District for any other reason.

Special education records for students with disabilities under the IDEA must be maintained for five (5) years after the student graduates or otherwise ceases to be enrolled in the District.

The District will maintain patient health care records for five (5) years after they are created or received from a source outside the District. The school nurse is responsible for maintaining these records.

## **Amending Student Records**

A parent who believes that information contained in student records is inaccurate, misleading or violates the privacy or other rights of the student may request amendment of the records by submitting a written request to the District Administrator. The written request should: (1) describe the specific part of the student record the parent or student believes is inaccurate, misleading or otherwise in violation of privacy or other rights and (2) state the amendment requested. The District Administrator must decide whether to amend the record. If the District Administrator refuses to amend the record, he/she must inform the parent of the decision in writing within 15 calendar days after receiving the request. The written decision must include notice of the right to a hearing before the Board of Education.

If the parent requests a hearing, the Board shall hold the hearing within 15 calendar days after receiving that request. The District shall notify the parent of the date, time and location of the hearing in advance. At the hearing, the parent shall have a full and fair opportunity to present evidence, and the opportunity to be assisted and represented by one or more individuals, including an attorney of their choice, and at their own expense. The Board will issue a written decision within 5 calendar days after the hearing. The decision will be based solely on the evidence presented at the hearing and include the summary of the evidence and reasons for the decision.

If, as a result of the hearing, the Board of Education decides that the record is inaccurate, misleading or otherwise in violation of the privacy or other right of the student, it must amend the record accordingly and inform the parent of the amendment.

If, as a result of the hearing, the Board of Education decides that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place a statement in the record. The District must maintain the statement as a part of the record and be disclosed whenever a portion of the records to which it relates is disclosed. Any statements placed in a student's records pursuant to this section must be maintained as long as

the record or contested portion is maintained.

### **Annual Notices Regarding Student Records**

Annually, the District must notify parents and students of their right to:

- inspect and review the student records, and the procedure to exercise this right
- seek amendment of the student's school records if they believe the records are inaccurate or misleading or otherwise in violation of their privacy rights, and the procedure for requesting the amendment of records
- consent to the disclosure of the student's school records, unless otherwise authorized without consent
- file a complaint with the Family Policy Compliance Office of the U.S. Department of Education

The notice shall be distributed to parents and guardians and adult students at the beginning of each school year. When a student transfers into the District after the above notice has been given, the student and his/her parent(s) or guardian shall receive a copy of the notice at the time and place of enrollment.

In a manner consistent with the requirements of applicable law, the District shall provide parents, guardians, and adult students with notice of the District's student directory data designations and their right to opt-out of the release of such information as student directory data.

### **Complaints Regarding Alleged Student Records Law Violations**

Student's parents may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for any alleged violation of the federal Family Educational Rights and Privacy Act (FERPA) at the following address:

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605-5920  
Phone: 1-800-USA-LEARN (1-800-872-5327)*

Parents of students with disabilities may also contact the Wisconsin Department of Public Instruction. They may obtain further information by consulting the District's statement of parent rights under the IDEA, or contacting the Special Education Director.

Legal Reference:

#### **Wisconsin Statutes**

- [Section 19.65](#) [rules of conduct; employee training; and security regarding personally-identifiable information]
- [Section 48.396](#) [law enforcement officer records]
- [Section 115.812\(2\)](#) [reporting information regarding specified students with disabilities to appropriate county departments]
- [Section 118.125](#) [state student records law; policies required]

Section 118.126 [privileged communications related to student alcohol and drug use]  
Section 118.127 [law enforcement agency record information]  
Section 118.51(8) [full-time open enrollment; disciplinary records]  
Section 118.52(10) [course options; disciplinary records]  
Section 146.81 [health care records]  
Section 146.82 [confidentiality of patient health care records]  
Section 146.83 [access to patient health care records]  
Section 252.15 [access to HIV test results]  
Section 767.41(7) [custody and physical placement; parent access to records]  
Section 938.396 [access to records; law enforcement and court records]  
Section 950.08(2w) [information provided by district attorney to schools in criminal cases]

### **Federal Laws**

[Family Educational Rights and Privacy Act](#) [federal student records law]  
[34 C.F.R. part 99](#) [U.S. Department of Education FERPA Regulations]  
[34 C.F.R. part 300](#)[U.S. Department of Education IDEA regulations; confidentiality and maintenance of records]  
Elementary and Secondary Education Act ([20 U.S.C. § 7908](#)) [military access to student information]  
[National School Lunch Program](#) [heightened privacy rules for students' eligibility status and other NSLP records]

Adopted: 2/11/02

Revised: 3/10/08, 4/25/2016