

# STUDENT RECORDS

The School Board recognizes the need for and importance of appropriately maintaining the confidentiality of individually-identifiable student records throughout the record life cycle (i.e., at the points of collection, storage, use, disclosure, and destruction). Protected student records shall be available for inspection or release only with the prior approval of the student's parent or guardian (or of an adult student,) except in situations where applicable laws and regulations require or permit the inspection or release of student records without such prior approval.

The Board shall adopt a comprehensive rule to accompany this policy in order to (1) satisfy various requirements of applicable state and federal law; (2) establish specific local expectations and procedures relating to the management of student records; and (3) inform staff, students, and parents and guardians about the District's student records practices. The rule will identify practices intended to facilitate student/parent/guardian access to a student's own records and also identify circumstances under which protected student records may be disclosed without the consent of a parent, guardian, or adult student. The District shall also publish an annual student records notice in accordance with state and federal law.

The Director of Special Education and Pupil Services shall have primary responsibility for ensuring that District employees and other school officials who are authorized to create, collect, maintain, use, provide access to, or destroy student records understand their duties and responsibilities as defined by applicable law, Board policy, and District procedures (including the specific confidentiality and maintenance requirements applicable to various categories of student records and other personally-identifiable records concerning students. It is essential for all District officials, employees, and agents to understand that the legal requirements and the District expectations surrounding the confidentiality of protected student records, including the limitations on disclosure of certain records and information, generally apply not only to the actual record(s) (in whatever form), but also to any verbal exchanges which improperly disclose the content of confidential records.

The Director of Special Education and Pupil Services, the Director of Information Technology, and building principals, all under the supervision of the Superintendent, shall be jointly responsible for coordinating and implementing the Board's rule that accompanies this policy and any additional administrative procedures intended to further ensure that school district employees and other authorized school officials obtain access to protected student records only when they have a legitimate educational interest in the records or where some other legitimate basis for access applies. Particularly where physical or technological access controls are not used, the administration shall periodically monitor the extent to which training, directives, and other procedures are serving as an effective means of maintaining the confidentiality of student records.

After providing an initial copy of any student record to a parent, guardian, or student at no cost, the District may charge a reasonable fee for subsequent copying and/or mailing of the same student record(s). The District shall not charge parents, guardians, or students for any costs associated with locating or retrieving the student's records. In situations where payment of any fees would effectively prevent a parent, guardian, or student from exercising their rights to inspect and review the student's records, any such fees shall be waived upon approval by the Superintendent or an administrative designee. Aside from fee waivers authorized by Board policy, any copying or postage fees that are established shall be applied consistently.

ADOPTED: October 22, 1979

REVISED: November 25, 1985    December 16, 1996    September 24, 2001    May 19, 2003  
April 27, 2020

## Legal References:

### Wisconsin Statutes

|                                    |  |
|------------------------------------|--|
| <a href="#">Section 19.65</a>      | [rules of conduct; employee training; and security regarding personally-identifiable information]        |
| <a href="#">Section 48.396</a>     | [law enforcement officer records]  |
| <a href="#">Section 115.812(2)</a> | [reporting information regarding specified students with disabilities to appropriate county departments] |
| <a href="#">Section 118.125</a>    | [state student records law; policies required]   |
| <a href="#">Section 118.126</a>    | [privileged communications related to student alcohol and drug use]                                      |
| <a href="#">Section 118.127</a>    | [law enforcement agency record information]  |
| <a href="#">Section 118.51(8)</a>  | [full-time open enrollment; disciplinary and special education records]                                  |
| <a href="#">Section 118.52(10)</a> | [part-time open enrollment; disciplinary records]  |
| <a href="#">Section 146.82</a>     | [confidentiality of patient health care records]   |
| <a href="#">Section 146.83</a>     | [access to patient health care records]  |
| <a href="#">Section 252.15</a>     | [access to HIV test results]   |
| <a href="#">Section 767.41(7)</a>  | [custody and physical placement; parent access to records]   |
| <a href="#">Section 938.396</a>    | [access to records; law enforcement and court records]   |
| <a href="#">Section 950.08(2w)</a> | [information provided by district attorney to schools in criminal cases]                                 |

### Federal Laws

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

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|-------------|---|
| CROSS REF.: | JO-R, Procedures for the Maintenance and Confidentiality of Student Records |
|             | JO-E (1), Student Record Access   |
|             | JO-E (2), Behavioral Records Maintenance Request Form                       |
|             | JO-E (3), Informed Consent for Release of Information                       |
|             | JO-E (4), Notice of Access to Patient Health Care Records                   |
|             | JO-E (5), Student Records Notice  |

# PROCEDURES FOR THE MAINTENANCE AND CONFIDENTIALITY OF STUDENT RECORDS

- A. **CONTENT OF RECORDS** - Student records include all records relating to an individual student other than notes or records maintained for personal use by teachers or other certified personnel which are not available to others, records necessary for and available only to persons involved in the psychological treatment of a student, 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, and law enforcement unit records.
1. **Progress records** maintained by the school include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's extracurricular activities and the student's attendance record.
  2. **Behavioral records** maintained by the school include psychological tests, personality evaluations, records of conversations, written statements 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/her immunization records, law enforcement agency records and any other student records which are not progress records.
    - a. **"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 Superintendent 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.
    - b. **"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.
    - c. **"Physical health records"** include basic health information about a student, including the student's immunization records, the student's 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, 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.

- d. "**Patient health care records**" include all records relating to the health of a student prepared by or under the supervision of a health care provider which are not included in the student "physical health records" definition above. 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.
  3. **Directory data** are those student records designated in the District's student directory data policy (JOC, Student Directory Data).
  4. **Law enforcement unit records** include those records maintained by a law enforcement unit of the District that were created for the purpose of law enforcement. A "law enforcement unit of the District" is an individual, office, department, division or other component of the District that is authorized by the School Board to do any of the following: (1) enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement of any law or ordinance against any person other than the school district; and/or (2) maintain the physical security and safety of a public school. Law enforcement unit records relating to juveniles must be treated according to the same limitations on use and disclosure that apply to a law enforcement agency's treatment of any juvenile's records.
- B. CONFIDENTIALITY** - All student records are confidential, subject to (1) the following exceptions, (2) any other disclosures of student records that may be mandated by state or federal law, and (3) any more specific restrictions on disclosure that are imposed by a state or federal law that protects specific records to a greater extent than provided under these procedures:
1. **Release of Student Records to Students and Parents or Guardians**
    - a. A student or the parent or guardian of a minor student shall, upon request, be shown and provided with a copy of the student's progress records.
    - b. To the extent authorized by state and federal law, an adult student or the parent or guardian of a minor student shall, upon request, be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records. Such a student or parent or guardian shall, upon request, be provided with a copy of the behavioral records.
    - c. 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.
    - d. 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.
  2. **Access to Student Records (Other than Patient Health Care Records) by School Officials**
    - a. 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.

- b. 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.
- c. Law enforcement unit records may be made available to school officials under the same conditions as outlined above regarding access to law enforcement agency record information.
- d. 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.
- e. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by individualized education program teams under special education laws.

**3. Release of Student Progress and Behavioral Records (Other Than Patient Health Care Records) to Others**

- a. Student records shall be disclosed at the request or order of a court. The District will make a reasonable effort to notify a parent or guardian of a court order for disclosure of student records prior to complying with the order except when (1) a parent or guardian is a party to a court proceeding involving child abuse and neglect or dependency matters and the order is issued in the context of such a proceeding; (2) the court order itself prohibits such notice; (3) or any applicable law prohibits disclosure of the order to the parent or guardian.
- b. If school attendance is a condition of a student's court dispositional order under state law, the District shall notify the court or, if the student is under the supervision of an agency, the agency that is responsible for supervising the student within five days after any violation of the condition by the student.
- c. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. When a student's attendance record is disclosed to a law enforcement agency for purposes of truancy, the student's parent or guardian shall be notified of that disclosure as soon as practicable after the disclosure.
- d. A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies

in writing that: (1) the student is under investigation for arson; (2) the student's attendance record is necessary for the fire investigator to pursue his/her investigation; and (3) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.

- e. 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.
- f. For any purpose concerning the juvenile justice system and the system's ability to effectively serve a student, prior to adjudication:
  - (1) The District shall disclose pertinent student records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve the student, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law.
  - (2) The District may disclose student records to a city attorney, corporation counsel, agency as defined in section 938.78(1) of the state statutes, intake worker under section 48.067 or 938.067 of the statutes, court of record, municipal court, private school or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as otherwise authorized by law. This disclosure can be made for any purpose concerning the juvenile justice system and the system's ability to serve a student prior to adjudication.
- g. On request, the District may disclose student records that are pertinent to addressing a student's educational needs to a caseworker or other representative of the Department of Children and Families, a county department under sections 46.215, 46.22 or 46.23 of the state statutes, or a tribal organization, as defined in 25 USC 450b(L), that is legally responsible for the care and protection of the student, if the caseworker or other representative is authorized by the department, county department, or tribal organization to access the student's case plan. The District may consider entering into a memorandum of understanding and seek legal counsel under the parameters of this paragraph.
- h. 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.

- i. 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.
- j. Upon the written permission of an adult student, or the parent or guardian of a minor student, the school shall make available to the person named in the permission form the student's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the adult student or by the parent or guardian of a minor student in the written request.
- k. Student records shall be provided to a court in response to a subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any 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.
- l. Under conditions where the disclosure is permitted under both state and federal law, the District shall provide to the DPI, or another authorized federal, state, or local agency, or such an agency's authorized representative, any student record information that relates to an audit, evaluation, or any compliance or enforcement activity, that is associated with a federal or state-supported education program. In the case of disclosures to DPI, the District shall provide student records needed by the department to determine compliance with requirements under Chapters 115 to 121 of the state statutes. Student records may also be provided to the DPI for other purposes consistent with both state and federal law.
- m. 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.
- n. 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.
- o. 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.

- p. 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.

4. **Release of Patient Health Care Records**

All student patient health care records shall remain confidential. They may be released only to persons specifically designated in state law or to other persons with the informed consent of the patient or a person authorized by the patient. Student patient health care records maintained by the District may only be released without informed consent to a District employee or agent if any of 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.

Any record that concerns the results of a test for the presence of HIV or antibody to HIV (the virus which causes acquired immunodeficiency syndrome—AIDS) shall be confidential and may be disclosed only with the informed written consent of the test subject.

5. **Release of Directory Data**

Student directory data may be disclosed only as outlined in the District's student directory data policy (JOC, Student Directory Data).

When reviewing student directory data requests, as well as when implementing other provisions of these procedures, consideration shall be given to applicable provisions of the public records law and the District's policy and procedures dealing with public records.

6. **Transfer of Records**

The District shall transfer to another school (including private schools and out-of-state schools) or school district all student records relating to a specific student (including disciplinary and other behavioral records; and not including records treated as patient health care records or certain treatment records for which informed consent for disclosure has not been obtained) if it has received written notice:

- a. from an adult student or the parent or guardian of a minor student that the student intends to enroll in the other school or school district;
- b. from the other school or school district that the student has enrolled; or
- c. from a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.



The District forwards student records as requested so long as the disclosure is for purposes related to the student's enrollment or transfer.

Student records shall be transferred no later than the next working day of receiving the records transfer request.

### **C. MAINTENANCE, DISCLOSURE, AND DESTRUCTION OF STUDENT RECORDS**

1. While students are attending school, their records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the District, the records shall be transferred to that school. Patient health care records, law enforcement agency and law enforcement unit records shall be maintained separately from a student's other records.
2. The Director of Special Education and Pupil Services shall provide each building principal or his/her qualified designee staff with procedural and other technical assistance for the purpose of ensuring the confidentiality of all student records kept at the principal's school. Except as otherwise provided, all requests for inspection or for transfer to another school or school district should be directed to the building principal who will determine whether inspection or transfer is permitted under state and federal law and these procedures. The building principal or his/her qualified designee shall be present to interpret behavioral records when such a request has been made by the parent, guardian, or adult student. Upon transfer of student records to the central administrative office, the Superintendent or his/her qualified designee shall assume these duties.
3. A record of each request for access to and each disclosure of personally identifiable information from the education records of a student shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:
  - the parent or guardian or adult student;
  - a school official;
  - a party with written consent from the parent or guardian or adult student;
  - a party seeking directory data; or
  - a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed.
4. When a student ceases to be enrolled in a school operated by the District, the student's remaining student records shall be maintained as follows:
  - a. Behavioral records that are identifiable to the student will be maintained for no longer than one year after the student graduated from or last attended the school unless the student or his/her parent or guardian, if the student is a minor, gives permission that the records may be maintained for a longer period of time.
    - The District will normally request consent to maintain the behavioral records of such former students (such as students with disabilities) for the period of time that such records may be needed for program audit purposes. If the District does not obtain such consent, the District will arrange to maintain records needed for audit purposes in a manner that is not identifiable to the individual student.

- b. Student progress records shall be maintained for a minimum of 5 years after the student graduates or ceases to be enrolled in the District. Transcripts will be maintained greater than 5 years and indefinitely when possible.
  - c. Any request for the “directory data” of a former student will be treated according to the District’s policy on “directory data,” and, to the extent applicable, the District will continue to honor any valid request to opt out of the disclosure of directory information (e.g., such as the opt-out decision that was in effect when the student was last in attendance), unless such opt-out decision is appropriately rescinded.
5. The Director of Special Education and Pupil Services shall oversee the management of the records of students with disabilities.
- a. The District shall inform the parent(s) or guardian of a student with disabilities, or the adult student if applicable, when personally-identifiable information that was collected, maintained, or used under the Individuals with Disabilities Education Act (IDEA) is no longer needed to provide educational services to the child. Except for a record of a student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed, such personally identifiable information must be destroyed at the request of the parent(s), guardian, or adult student. By submitting a timely written request, the parent, guardian, or student may elect to take possession of the personally-identifiable records in lieu of having the records destroyed.
  - b. Such a notice that certain records are no longer needed to provide a child with educational services will normally be given at the time the child graduates or otherwise ceases to be enrolled in the District. As further described above, the District will also normally, at the same time, request consent to maintain particular records for the additional time period that they are needed for program audit purposes.

#### **D. PARENT/GUARDIAN/STUDENT REQUESTS FOR AMENDMENTS OF STUDENT RECORDS**

1. A parent or guardian or adult student who believes that information contained in the student's records is inaccurate, misleading or otherwise in violation of the student's rights of privacy may request the District to amend the records. Such request shall be addressed in writing to the school official having custody of the records. Within a reasonable time after receiving the request, the person having custody of the records shall decide whether to amend the records in accordance with the request and inform the parent or guardian or adult student of the decision.
2. If the person having custody of the records refuses to amend the records, he/she shall inform the parent or guardian or adult student of the refusal and advise him/her of the right to a hearing. The request for the hearing shall be filed in writing with the District

Administrator or designee. The parent or guardian or adult student shall be given notice of the date, place and time of the hearing reasonably in advance of the hearing.

- a. The hearing shall be conducted by the Superintendent or designee, who must be someone who does not have a direct interest in the outcome of the hearing.
- b. The parent or guardian or adult student shall be afforded the opportunity to present relevant evidence and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.

- c. The decision of the hearing officer shall be based solely upon the evidence presented and shall include a summary of the evidence and the reason for the decision.
- d. The hearing shall be held and the parent(s) or guardian or adult student informed of the hearing officer's decision in writing within a reasonable period of time after the hearing.
- e. If the hearing officer decides that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the education records of the student shall be amended accordingly.
- f. If the hearing officer decides that the information is not inaccurate, misleading or otherwise in violation of the student's privacy rights, the District shall inform the parent or guardian or adult student of the right to place a statement commenting upon the information in the education records and/or describing reasons for disagreeing with the decision of the hearing officer.

**E. COMPLAINTS REGARDING ALLEGED NONCOMPLIANCE WITH FEDERAL REQUIREMENTS**

Adult students or parents or guardians of minor students may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for alleged District noncompliance with requirements of the federal Family Educational Rights and Privacy Act (FERPA).

**F. ANNUAL NOTICE**

Parents, guardians and adult students shall be notified annually of the following: (1) their rights to inspect, review and obtain copies of student records; (2) their rights to request the amendment of the student's school records if they believe the records are inaccurate, misleading or otherwise in violation of the student's rights of privacy; (3) their rights to consent to the disclosure of the student's school records, except to the extent state and federal law authorizes disclosure without consent; and (4) their right to 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.

**G. OTHER NOTICES**

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. The District shall also provide parents and guardians of secondary school students with notice of their option to direct the District not to release the secondary school student's name, address or telephone listing to military recruiters or institutions of higher education without prior written consent.

**4/27/20**

# INFORMED CONSENT FOR RELEASE OF INFORMATION

Student Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

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## INDIVIDUAL / AGENCY MAKING DISCLOSURE

- Jefferson Schools  
 Other Individual/Agency \_\_\_\_\_  
Address: \_\_\_\_\_

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## \*RECIPIENT OF INFORMATION

- Jefferson Schools Address: \_\_\_\_\_  
 Other Individual/Agency \_\_\_\_\_  
Address: \_\_\_\_\_

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## PURPOSE / REASON FOR DISCLOSURE

- Additional Educational Programming  
 To Assist School Staff in Understanding Health Concerns  
 To Coordinate Services with DVR  
 To Coordinate Care/Education  
 Other \_\_\_\_\_

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## SPECIFIC INFORMATION TO BE SHARED

- |  |   |
|--|---|
| <input type="checkbox"/> School Transcripts/Progress Records | <input type="checkbox"/> Medical Records                          |
| <input type="checkbox"/> Teacher Observation                 | <input type="checkbox"/> Psychological Tests / Evaluation Reports |
| <input type="checkbox"/> IEP Team Reports                    | <input type="checkbox"/> Alcohol/Drug Abuse Care or Treatment     |
| <input type="checkbox"/> Psychiatric Evaluations             | <input type="checkbox"/> Law Enforcement Records                  |
| <input type="checkbox"/> Therapy Progress Notes              | <input type="checkbox"/> Other (specify) _____                    |

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## EXPIRATION OF CONSENT

I understand that this consent can be withdrawn by me in writing at any time except to the extent that action has already been taken in reliance thereon. Unless otherwise specified below, this consent will expire twelve (12) months from the date signed. If desired, specify another expiration date, condition or time period. \_\_\_\_\_

I hereby consent to and authorize the release of information as described on this form. I have given this consent voluntarily. I understand that I may inspect and receive a copy of the disclosed information.

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Patient Signature \_\_\_\_\_

Date \_\_\_\_\_

\*\*Other Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Relationship to Student \_\_\_\_\_

Witness Signature \_\_\_\_\_

Date \_\_\_\_\_

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\*NOTE TO RECIPIENT OF INFORMATION: This information has been disclosed to you from confidential records, which are protected by law. Unless you have further authorization, laws may prohibit you from making any further disclosure of this information without the specific written consent of the student or legal representative involved.

\*\*NOTE: Other Authorized Signature means the parent, guardian, or legal custodian of a minor child.

# NOTICE OF ACCESS TO PATIENT HEALTH CARE RECORDS

Wisconsin law requires a health care provider to provide each patient with a statement of access rights to patient health care records. The statement must be provided upon the first provision of services by the health care provider. The Jefferson School District provides many services that are sometimes considered health care services (e.g., services provided by the Nurse, Physical Therapist, Occupational Therapist, Occupational Therapy Assistant, Psychologist, Social Worker, and Speech/Language Pathologist). Additionally, the School District of Jefferson may receive and store medical records or other patient health care records from other providers. The law provides that if the patient or other person submits a statement consenting to the disclosure of information from patient health care records, the patient or person may:

- after providing reasonable notice, inspect the health care records of a health care provider relating to that patient at any time during regular business hours.
- after payment of reasonable costs, receive a copy of the patient's health care records.
- after payment of reasonable costs, receive a copy of the health care provider's X-ray reports or have the X-rays referred to another health care provider of the patient's choice.

The statement consenting to the disclosure of information from patient health care records must be written and include all of the following: the name of the patient whose record is being disclosed; the type of information to be disclosed; the types of health care providers making the disclosure; the purpose of the disclosure; the party to whom disclosure may be made; the signature of the patient or person authorized by the patient; and if signed by a person authorized by the patient, the relationship of that person to the patient or the authority of the person.

The health care provider must note the time and the date of each request by a patient or person authorized by the patient to inspect the patient's health care records. Also, the health care provider must note the name of the inspecting person, the time and date of inspection, and the records released for inspection.

A parent who has been denied periods of physical placement by a court in an action relating to annulment, divorce, or legal separation does not have the rights of a parent or guardian with respect to access of that child's patient health care records.

No person may do any of the following:

- Intentionally falsify a patient health care record.
- Conceal or withhold a patient health care record with intent to prevent its release to the patient, to his/her guardian, to his/her health care provider with a statement of informed consent or under the conditions specified in the state law regarding access without informed consent or to a person with the informed written consent of the patient or with the intent to prevent or obstruct an investigation or prosecution.
- Intentionally destroy or damage records in order to prevent or obstruct an investigation or prosecution.

# STUDENT RECORDS NOTICE

The School District of Jefferson maintains student records for each student attending school in the district. State and federal laws require that the maintenance of such records assure confidentiality. Accordingly, the following shall apply in the district:

1. An adult student, or the parent(s)/guardian(s) of a minor student, has the right to inspect, review and obtain copies of the student's school records upon request in accordance with established district procedures. The district shall respond to such requests without unnecessary delay. Copies of the district's student records procedures are available upon request at the Superintendent's office during normal business hours.
2. An adult student, or the parent(s)/guardian(s) of a minor student, has the right to request the amendment of the student's school records if he/she believes the records are inaccurate or misleading. Complaints regarding the content of student records may be made in accordance with established district procedures. Copies of the district's procedures are available upon request as outlined above.
3. An adult student, or the parent(s)/guardian(s) of a minor student, has the right to consent to the disclosure of information contained in the student's school records, except to the extent that state and federal laws authorize disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials determined to have legitimate educational interests, including safety interests, in the records. A "school official" is a person employed by the district who is required by the Department of Public Instruction to hold a license; a person employed by or working on behalf of the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and police-school liaison officers); 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, auditor, medical consultant or therapist); or a parent/guardian or student 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 interests" if the official needs to review a student record in order to fulfill his/her professional or district responsibility.

The district shall transfer a student's records to another school or school district without consent upon request in accordance with state law. District procedures outline the specific reasons for disclosure without consent and are available upon request as outlined above.

4. An adult student, or the parent(s)/guardian(s) of a minor student, has the right to file a complaint with the U.S. Department of Education for alleged district noncompliance with federal Family Educational Rights and Privacy Act (FERPA) requirements. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

## **Directory Data**

Further, the district has designated the following student record information as directory data: student's name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the student. At least 20 days before the commencement of each school year, the district shall (1) notify the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory data with respect to each student; (2) inform such persons that they have 14 days to inform the school that all or any part of the directory data may not be released without their prior consent; and, (3) allow 14 days

for such persons to inform the school, in writing, of all the directory data items they refuse to permit the district to designate as directory data about that student. Directory data may be disclosed to any person UNLESS the adult student, or parent, legal guardian or guardian ad litem of a minor student informs the school within 14 days of receipt of this notice that all or any part of the directory data may not be released without the prior consent of the adult student, parent, legal guardian or guardian ad litem.

The district shall not collect, disclose or use personal information about students (student's or parent's first and last name, address, telephone number or Social Security number) for the purpose of marketing or selling that information, or providing that information to others for that purpose.

### **Secondary School Students**

A secondary school student or the parent of the student may request that the student's name, address and telephone listing not be released to military recruiters or institutions of higher education without prior written parental consent. The district shall comply with such a request.

Unless access to such information has been restricted by the secondary school student or the student's parent(s) as outlined above, the district shall provide access to secondary school students' names, addresses and telephone listings, on request made by military recruiters or an institution of higher education. The district shall also provide military recruiters the same access to secondary school students as provided generally to post-secondary educational institutions or to prospective employers of those students.

**4/27/20**