

## STUDENT RECORDS

Student records are maintained to assist school personnel in determining educational experiences for each student.

The District recognizes the need for the confidentiality of student records. Therefore, student records shall be available for inspection or release only in accordance with State and federal laws and established District policies and procedures. Building principals shall have primary responsibility for the maintenance and confidentiality of student records maintained in student files.

**Cross Reference:** Procedures for the Maintenance and Confidentiality of Student Records, 347-Rule  
Communicable Diseases, 453.3  
Reporting Suspected Child Abuse & Neglect, 454

**Legal References:** Wisconsin State Statutes 19.21(6), 46.215, 46.22, 46.23, 48.396(2m), 51.42, 51.437, 115.85(4), 118.125(4), 118.126, 118.127, 118.51(8), 118.52(10), 146.81-146.84, 252.15, 767.24(7), 938.02, 938.342(lr) and 938.396  
Family Educational Rights and Privacy Act (20 USC Section 1232g, 34 CFR Part 99)

**Adoption Date:** January 23, 1989

**Amended Dates:** June 23, 1997, August 23, 2010, December 22, 2014, August 24, 2015, June 11, 2018, May 20, 2019, December 9, 2019, and August 9, 2021

## PROCEDURES FOR THE MAINTENANCE AND CONFIDENTIALITY OF STUDENT RECORDS

### I. DEFINITIONS

Adult student is a student who has attained the age of 18.

Law enforcement unit (e.g., School Resource Officer/SRO) is an individual, office, department, division, or other component of the District that is authorized or designated by the School Board to do any of the following:

- 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
- maintain the physical security and safety of a public school.

Legitimate educational interest is a school official's need to review an educational record in order to fulfill his/her professional responsibilities, subject to limits on re-disclosure authorized by law.

Legal custodian is a person other than a parent or guardian, or an agency to whom legal custody of a student has been transferred by a court, but does not include a person who has only physical custody of the student.

Parent/guardian is a biological or adoptive parent or legal guardian who has rights of guardianship, except as may be limited by court order. A stepparent may be accorded the same rights as a parent if designated in writing by a parent or legal guardian or as required by court order (chapter 54 and 48). Parents/guardians are presumed to have full rights as such under this policy, unless a court order specifies otherwise and such court order is provided to the building principal.

Record is any information recorded in any way, including, but not limited to: handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

School officials are District employees licensed by the State, School Board members, contracted or appointed personnel, including the District's medical advisor, and may include School Resource Officers (SROs) to the extent they have a legitimate educational or safety interest.

Student records are all education records, paper and/or electronic, which are directly related to an individual student and maintained by the District or by a party acting for the District in the specific student's file.

Student records do not include:

- notes or records that are maintained for personal use by a teacher or other person required to hold a license, certificate, or permit and are not shared with other persons;
- law enforcement unit records created for law enforcement purposes and maintained by the law enforcement unit;

## 347-Rule (cont.)

- records that are made, maintained, or used only in connection with the psychological treatment of a student;
- records created or received by the District after a student is no longer in attendance and not directly related to the student's previous attendance;
- grades on peer-graded papers before they are collected and recorded by a teacher.

Student records include:

A. Progress Records are student records, paper and/or electronic, which include the student's grades, a statement of the courses the student has taken, the student's attendance, the student's immunization/lead screening (which is also a Physical Health Care record in the Behavioral records), Directory Data, and co-curricular activities.

1. Directory Data, under State Statute 118.125 (1)(b), includes the following information: student's name, address, telephone number, date and place of birth, major field of study, 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 attended by the student.
2. Please note: It is a local policy decision as to which information from the above list is designated as student Directory Data. The Appleton Area School District designates the following as Directory Data:
  - ✓ Student's name
  - ✓ Address
  - ✓ Major field of study (grade level)
  - ✓ Participation in officially recognized activities and sports
  - ✓ Height of members of athletic teams
  - ✓ Dates of attendance
  - ✓ Photographs
  - ✓ Awards received
  - ✓ Name of the school most recently attended by the student

B. Behavioral Records are those student records, paper and/or electronic, which include: psychological tests, personality evaluations, records of conversations, any written statements relating specifically to a student's behavior, tests relating specifically to a student's achievement or measurement of ability, physical health records other than immunization/lead screening (*\*see next page under Physical Health Care Records*), student assistance records, law enforcement officers' records, court records, and any other student records which are not progress records.

Additional examples of student behavioral records include disability-related information (including notices and forms), signed parental consent or refusal for evaluation, individual and team evaluation reports, individualized education plans (IEPs), Section 504 plans, placement decisions and signed parental consent or refusal, medical evaluations and prescriptions required to substantiate health treatment services, medical evaluations used to substantiate a handicapping condition, and physician's statements required for the provision of special education homebound instructional services.

## 347-Rule (cont.)

1. Physical Health Care Records are student records, paper and/or electronic, that include basic health information about a student including: the student's immunization/lead screening\*, 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, 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.

*\*Physical health care records are behavioral records, except for immunization/lead screening records required under Wis. Stat. sec. 254.162.*

2. Treatment Records are defined as "registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism, or drug dependence which are maintained by the State department, by county departments under s. 51.42 or 51.437 and their staffs, and by treatment facilities," Wis. Stat. sec. 51.30(1)(b). "Treatment facilities" are defined as "any publicly or privately operated facility or unit thereof providing treatment of alcoholic, drug dependent, mentally ill or developmentally disabled persons, including but not limited to inpatient and outpatient treatment programs, community support programs and rehabilitation programs," Wis. Stat. sec. 51.01(19). The State law definition of "treatment" means those psychological, educational, social, chemical, medical or somatic techniques designed to bring about rehabilitation of a mentally ill, alcoholic, drug dependent or developmentally disabled person.
3. Court Records are those records received from a court clerk concerning a juvenile enrolled in the District who has:
  - had a petition filed with a court alleging that he/she has committed a delinquent act that would be a crime if committed by an adult;
  - been adjudged delinquent;
  - school attendance as a condition of his/her court dispositional order; or
  - 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.
4. Law Enforcement Unit Records are records maintained and created by a law enforcement unit for the purpose of law enforcement. Law enforcement unit records may be obtained by the District from a law enforcement unit relating to:
  - the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the District;
  - the illegal possession of a dangerous weapon by a student;
  - 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
  - the act for which a student enrolled in the District was adjudged delinquent.

- C. Patient Health Care Records are all records relating to the health of a student, which are not included in the Physical Health Care Records definition above. This includes patient health care records prepared by or under the supervision of a health care provider. A health care provider may be a registered nurse, chiropractor, dentist, physician, podiatrist, physical therapist, optometrist, psychologist, or institution providing health services, but not individuals contracted to provide school-based services. In general, these records contain information such as diagnoses, opinions and judgments made by a health care provider (not as a school-based service).

## **II. PARENT NOTICE AND ACCESS TO RECORDS**

A parent/guardian shall have access to a student's medical and education records unless the parent/guardian has been denied access to such records as outlined by State law or has been denied periods of physical placement with the child by a court under Wis. Stat. sec. 767.41(4).

An adult student or the parent/guardian of a minor student shall, upon request, be shown and provided with a copy of the student's progress records.

An adult student or the parent/guardian of a minor student, shall upon request, be shown, in the presence of a person qualified to explain and interpret the records, the student's behavioral records. Such adult student or parent/guardian shall, upon request, be provided with a copy of the behavioral records.

Parents/guardians, legal custodians, or students age 14 or older who request access to law enforcement records held by the school district will be referred to the law enforcement agency whose records are being sought and may obtain access to such records subject to law enforcement agency policy.

Parents/guardians who are not authorized representatives under the law, must have informed written consent of a student who is 14 years of age or older for any part of a student patient health care record that concerns the results of a test for the presence of HIV or antibody to HIV. These records must be kept confidential and only be disclosed with the informed written consent of the individual 14 years of age or older, or by the student's authorized representative. If the student is under the age of 14 and the HIV test occurred with consent of a parent/guardian, the parent/guardian can consent to disclosure [Wis. Stat. sec. 118.125(2m), 252.15(3m)(c)].

## **III. CONFIDENTIALITY AND ACCESS TO RECORDS**

### **A. Designation of Directory Data**

School boards have the authority under both State law section 118.125(j) of the State Statutes and the Family Educational Rights and Privacy Act (FERPA) to designate certain personally-identifiable student information as Directory Data that can be disclosed without obtaining the specific written consent of a student's parent/guardian or adult student.

## 347-Rule (cont.)

Under State law, school boards may designate any or all of the following personally-identifiable student information as Directory Data: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received, and name of the school most recently attended by the student.

It is a local policy decision as to which information from this list is designated as student Directory Data in the District.

The District designates the following student information as Directory Data:

- ✓ Student's name
- ✓ Address
- ✓ Major field of study (grade level)
- ✓ Participation in officially recognized activities and sports
- ✓ Height of members of athletic teams
- ✓ Dates of attendance
- ✓ Photographs
- ✓ Awards received
- ✓ Name of the school most recently attended by the student

### **B. Notification of Directory Data and Opt Out Information**

The District must notify parents/guardians or adult students of:

1. The types of personally-identifiable student information that the District has designated as Directory Data
  2. Their right to opt out of disclosing Directory Data to any person/organization who requests;
  3. The period of time/deadline to opt out so that their student's information is not disclosed (14 days from date of notice).
- ✓ The Opt-Out Form is available on AASD and school websites as well as at school sites.
  - ✓ The Opt-Out Form must be completed each school year.

**IF A PARENT/GUARDIAN OR ADULT STUDENT DOES NOT WISH TO HAVE ANY OR ALL OF THE CATEGORIES OF DIRECTORY DATA RELEASED, HE/SHE MUST NOTIFY THE DISTRICT WITHIN 14 DAYS OF THE ANNUAL NOTICE BEING PROVIDED (VIA THE OPT-OUT FORM).**

### **C. Disclosure of Directory Data**

Upon request, the District may disclose its designated Directory Data to any person without obtaining the specific written consent of the parent/guardian/adult student unless the parent/guardian/adult student has opted out of disclosure of the information. Examples of requests for data directory information may come from higher education agencies (technical colleges, colleges, and universities); alumni reunion committees; community organizations (YMCA, Scouts, etc.); photographers for senior pictures; driver's education facilities; and publications sponsored by the District.

For requests from United States Military Services, a student's telephone number and email address will also be disclosed along with the other information.

## 347-Rule (cont.)

The District will adhere to any restrictions on the disclosure of Directory Data described in any properly issued State or federal protective order.

### D. Disclosure of Progress and Behavioral Records

All student progress and behavioral records are confidential and will not be released except as follows:

1. Student records may be disclosed for any purpose concerning the juvenile justice system. The law gives the juvenile justice system the ability to effectively serve a student prior to adjudication provided the records are not disclosed, unless otherwise authorized by law. Only the Superintendent or his/her designees are authorized to supervise, determine and/or engage in the lawful exchange of law enforcement records or student records. Upon receipt of law enforcement records, the Superintendent or designee may inform the student named in the records and the parent/guardian of a minor student named in the records of the information.
2. The judge or officer of any court of Wisconsin or the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in such court.
3. If school attendance is a condition of a student's dispositional order, the District shall notify the county department that is responsible for supervising the student within five days after any violation of the condition by the student.
4. The District shall disclose pertinent student records to an investigating law enforcement unit 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.
5. Under the Health and Safety Exception, 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 will 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 Health and Safety Exception:

- a. the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure;
- b. the parties to whom the District disclosed the information;
- c. what was disclosed;
- d. date of the disclosure.

## 347-Rule (cont.)

6. Student records shall only be made available to school officials if they have a legitimate educational or safety interest in the records.
7. An adult student or a parent/guardian of a minor student has the right to consent to the disclosure of personally identifiable information contained in the student records, except as allowed by State and federal law. Upon the informed written consent of an adult student, or the parent/guardian of a minor student, the school shall make available to the person named in the consent form, the student's progress records or such portions of his/her behavioral records as determined by the person authorizing the release. Law enforcement officer records may not be made available under this exception unless specifically identified by the adult student or by a parent/guardian of a minor student in the written permission.

Informed written consent must include all of the following:

- a. the name of the student whose record is being disclosed;
  - b. the specific records to be disclosed;
  - c. the name of the person(s) making the disclosure;
  - d. the purpose of the disclosure;
  - e. the individual, agency, or organization to which disclosure may be made;
  - f. the signature of the student, if an adult, or the parent/guardian of a minor student;
  - g. the date on which the consent is signed;
  - h. the time period during which the consent is effective, and that it may be revoked at any time upon written notice from the person consenting.
8. 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 court may turn said records, or parts thereof, over to parties in the action or their attorneys if said records would be relevant and material to a witness's credibility or competency.
  9. The Wisconsin Department of Public Instruction (DPI) or any public officer may be provided with any information required by law. Upon request, the Board shall provide the DPI with any student record information that relates to an audit or evaluation of a federal or State-supported program or that is required to determine compliance with State law provisions.
  10. Notwithstanding their confidentiality, student records may be used in suspension and expulsion proceedings and by the Individual Education Plan (IEP) team.
  11. Information from a student's immunization records shall be made available to State and local health officers to carry out immunization requirements.

## 347-Rule (cont.)

12. The district board of the technical college in which the District is located or, for verification of eligibility for public assistance, the Department of Health and Family Services, the Department of Industry, Labor and Job Development, or a county department shall, upon request, be provided with the names of students who have withdrawn from the public school prior to graduation.
13. Personally identifiable information from an adult student's records may be disclosed to the student's parent/guardian, without the adult student's informed written consent, if the adult student is a dependent of his/her parent/guardian under the Internal Revenue Code. An exception shall be made when an adult student has informed the school, in writing, that the information may not be disclosed.
14. A student's records shall be disclosed in compliance with a court-ordered educational plan after making a reasonable effort to notify the student's parent/guardian or the adult student.
15. The names of students who reside in the District, who are at least 16 years of age, 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 sections 51.42 or 51.437 (community mental, health, developmental disabilities, alcoholism and drug abuse) shall be reported, upon request, to the appropriate county departments.
16. The District shall, upon request, provide student disciplinary records necessary for purposes of open enrollment in another public school district as permitted by law. These records may include:
  - a. A copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student;
  - b. A written explanation of the reasons for the expulsion or pending disciplinary proceedings; and
  - c. The length of the term of the expulsion or the possible outcomes of the pending disciplinary proceedings.
17. The District may disclose personally identifiable information from the education records of students in foster care placement, without parental consent, to an agency caseworker or other representative of a State or local welfare agency or tribal organization authorized to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student, in accordance with State or tribal law.

### E. Disclosure of Student Patient Health Care Records and Treatment Records

## 347-Rule (cont.)

### 1. Confidentiality and Release

All patient health care records shall remain confidential. Except as otherwise provided, patient health care records may only be released to persons specifically designated in the State patient health care records laws, or to other persons with the informed consent of the patient, or an authorized representative of the patient. Any part of a student patient health care record that concerns the results of a test for the presence of HIV (students 14 years of age or older) or antibody to HIV, shall be confidential and may be disclosed only with the informed written consent of the test subject or of his/her authorized representative under state law (Section 252.15(1)(ac) and (3m). If the student is under the age of 14 and the HIV test occurred with consent of a parent/guardian, the parent/guardian can consent to disclosure [Wis. Stat. sec. 118.125(2m), 252.15(3m)(c)].

### 2. Release Without Informed Consent

Patient health care records shall be released upon request without informed consent in some circumstances.

#### a. Health Care Providers

Health care providers or those working under the supervision of health care providers, may have access to student patient health care records if necessary for the performance of their duties if:

- 1) the person is rendering assistance to the patient;
- 2) the person is being consulted regarding the health of the patient;
- 3) the life or health of the patient appears to be in danger and the information contained in the patient health care records may aid the person in rendering assistance;
- 4) the person prepares or stores records, for the purpose of the preparation or storage of those records.

#### b. Others

A District employee or agent may have access to student patient health care records maintained by the District, if:

- 1) access to the records is necessary to comply with a requirement in federal or State law which may include county protective staff investigation claims of abuse and neglect, subject to the Health and Safety Exception rule identified in Article III, Subsection B.5, above;
- 2) the employee or agent has responsibility for preparation or storage of records to the extent that the records are needed for billing, collection, or payment of claims.

- c. A report prepared by a school physical therapist, occupational therapist, speech pathologist or nurse that goes beyond basic health information described in the District's policy on student physical health records must be treated as a patient health care record. These records should be sealed and sent to the new school with instructions that they are to be accessed only by a health care provider or person acting under the supervision of a health care provider.

## 347-Rule (cont.)

- d. State law specifically allows treatment records to be forwarded from one school district to another when a student transfers, with the consent of the record subject to restrictions enumerated in State law [Wis. Stat. sec. 51.30; Wis. Stat. sec. 51.30(4)].

### F. Disclosure When Imminent Threat to Health or Safety

Records related to a law enforcement officer's or health care provider's report regarding a student must be maintained as a confidential student record unless the student poses a substantial probability of serious bodily harm to any other person. In such case, a disclosure of student records may be made in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a person or the public [Wis. Stat. sec. 51.17].

A parent/guardian must be provided with a notice of rights related to the access to student patient health care records when consent is given to disclose patient health care records to the District.

The receiving party of student records must maintain confidentiality of information disclosed in the law enforcement officer's report that is not otherwise exempt from Wis. Stat. 48.396 as provided by law as follows:

1. A public school official who obtains information under this subsection shall keep the information confidential as required under Wis. Stat. 118.125.
2. A private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under Wis. Stat. 118.125.
3. A law enforcement unit that obtains information under this subsection shall keep the information confidential as required under this subsection and Wis. Stat. 938.396 (1)(a).
4. A social welfare agency that obtains information under this subsection shall keep the information confidential as required under Wis. Stats. 48.78 and 938.78.

### G. Disclosure of Other Records

1. Law enforcement Alcohol and other Drug Abuse (AODA) record information obtained by the District must be made available to District employees designated to provide AODA programs and must be used to provide such programs for students. The information may not be used as the sole basis for suspending or expelling a student from school.
2. Law enforcement weapons possession record information obtained by the District, which relate to a District student, may be made available to District employees licensed by the State and determined to have a legitimate educational or safety interest in the information. The information may not be used as the sole basis for suspending or expelling a student from school.

## **347-Rule (cont.)**

3. Law enforcement delinquency-related record information obtained by the District must be made available to District employees licensed by the State, District officials determined to have legitimate educational or safety interests in the information, and District employees who have been designated by the Board to provide treatment programs. The information must be used for legitimate educational or safety purposes and to provide treatment programs for students, and cannot be used as the sole basis for suspending or expelling a student from school.
4. Court records obtained by the District must be disclosed to District employees who work directly with the student named in the records or who have been determined by the Board to have legitimate educational or 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, including actions under the District's athletic/activity code.

A Board member or District employee may not be held personally liable for any damages caused by failure to make student record disclosures to District employees as outlined above, unless the person acted with actual malice in failing to disclose the information. The District also may not be held liable for any damages caused by nondisclosure, unless the District or its agent acted with gross negligence or reckless, wanton or intentional misconduct in failing to disclose the records.

### **Student Records and Staff Roles**

School District employees' primary function is to promote the educational environment and programming and to foster student educational access and achievement. The performance of these functions necessarily requires school staff to receive information and documents regarding students and results in the observation and formulation of information regarding students.

To protect the interests of school staff, the Board notes that oral disclosure of behavioral, progress, health, or other confidential types of records may constitute the disclosure of confidential student records.

Nothing in this policy shall be construed as directing or authorizing school employees to create any student record, to assist a parent in creating such records, or to voluntarily disclose student record information in the course of legal proceedings. All school employees shall:

- a. Direct student records requests to the building principal
- b. Immediately inform the building principal upon receipt of email, telephone or written communication regarding a request to participate in a legal proceeding or to comply with a subpoena

**Disclosure of Records Due to Mandatory Reporting**

Nothing in this policy shall be viewed to limit or to prevent individual school staff members from fulfilling individual reporting requirements notwithstanding the disclosure of student record information in the context of such reporting. School employees are required to disclose otherwise confidential information in the following circumstances:

- A. Abuse or Neglect. In the event that any school employee has reason to believe that a student has been subject to abuse or neglect or is being threatened with abuse or neglect that the staff members believes is likely to occur. Abuse or neglect includes, physical, sexual, or emotional abuse, or exposing the child to the manufacture of methamphetamine. “Physical abuse or neglect” includes habitual and severe usage of alcohol or controlled substances while pregnant. “sexual abuse or neglect” includes sex trafficking, forced prostitution, exposing one’s genitalia to a child, exposing a child to visual depictions of sexual activity, or other forms of sexual exploitation. Wis. Stat. Chapter 48.
- B. School Violence: In the event that any school employee believes in good faith based on a threat made by a student regarding violence in or targeted at a school that there is an imminent threat to the health or safety of a student or school employee or the public. Wis. Stat. §175.32.
- C. Communicable Diseases: In the event that a teacher, school nurse, or principal knows or believes that a communicable disease is present in school shall immediately notify the local public health officials. Wis. Stat. §252.21.

**IV. TRANSFER OF RECORDS**

In accordance with the law, the District shall forward, upon request, student records, including paper and/or electronic, to another school without consent for purposes related to the student’s enrollment or transfer. No later than the next working day, the District shall transfer to another school or school district student records relating to a specific student for purposes of student enrollment or transfer if it has received written notice from:

- An adult student, or the parent/guardian, that the student intends to enroll in the other school;
- The other school district that the student has enrolled; or
- Court that the student has been placed in a juvenile correctional facility or secured childcare institution.

The following records do not get transferred with a written notice: law enforcement records, court records, student patient health care records, and AODA records. Third party records need to be requested directly from the source. Patient health care records require a separate written informed consent and specific release from an adult student or the parent/guardian of a minor student.

Physical health records, including immunization/lead screening may be transferred outside the District subject to request and written consent to provide the records. Reports from school staff should be limited to basic health information described in the District’s policy concerning student physical health records.

Unless there is a written consent for the records to be transferred to another educational institution or court ordered placement, the student's patient health care records will be transferred to the District repository and maintained as long as other behavioral records. Patient health care records transferred outside the District are duplicated with the original/copy maintained in the District. Duplicated patient health care records are transferred to the receiving health care professional.

Student records received by the District when students transfer from other school districts will be treated in the same manner as originally generated, even if transmitted via electronic mail. For example, if records were originally in a paper format and scanned for email transmission, upon receipt by the District, the records will be returned to a paper format for the student's record. Electronic student records, such as those generated in Skyward or Infinite Campus, will be maintained in electronic format.

## **V. RECORDS MAINTENANCE/RETENTION**

The building principal is the primary custodian of all student records in his/her building. The District has adopted the Wisconsin Records Retention Schedule for School Districts, which includes student record retention as adopted by the Wisconsin Public Records Board and endorsed by the Wisconsin Department of Public Instruction, which is available for public inspection.

- A. The AASD does not maintain all daily student class assignments or tests as student records, and may not maintain all daily incidental correspondence between parents and staff, whether by paper or electronic means.
- B. Law enforcement officer record information and student patient health care records shall be maintained separate from the student's other records.
- C. Each principal or designee shall maintain a log of each instance of disclosure of student records pursuant to this policy, other than those disclosures, which occur among staff members with an educational interest in the information in the course of fulfilling their professional duties.

## **VI. AMENDMENT OF RECORDS**

An adult student or the parent/guardian of a minor student who believes that information contained in educational records of the student is inaccurate or misleading or violates the privacy or other rights of the student, may request in writing that this information be amended. The principal will review the request to determine if the request for amendment relates to information that is inaccurate or misleading or violates privacy rights or if there is simply a disagreement regarding the substance of a determination such as the outcome of an evaluation, assessment or grade. The principal will inform the adult student, or the parent/guardian of a minor student, of the decision to allow or disallow the request. The principal will advise of the right to a hearing if the requested change is denied. Additional information regarding the hearing procedures will be provided to the eligible student when notified of the right to a hearing. An adult student, or parent/guardian of a minor student, may attach a statement of disagreement to a record at any time and may do so instead of requesting a hearing.

## **VII. COMPLAINT PROCEDURE**

An adult student, or parent/guardian of a minor student, who feels there has been a violation of the rights accorded them under federal law may submit a written complaint to the Family Policy and Regulations Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5920.

## **VIII. ANNUAL NOTICE**

The District shall notify an adult student, or the parent/guardian of a minor student, of their rights to inspect, review and obtain copies, at their expense, of the student's records; the existence of the student records policy and procedures, and where copies can be obtained; and, their right to file a complaint with the Family Policy and Regulations Office of the Department of Education.

**Cross Reference:** Procedures for the Maintenance and Confidentiality of Student Records, 347-Rule  
Communicable Diseases, 453.3  
Reporting Suspected Child Abuse & Neglect, 454

**Legal References:** Wisconsin State Statutes 19.21(6), 46.215, 46.22, 46.23, 48.396(2m), 51.42, 51.437, 115.85(4), 118.125(4), 118.126, 118.127, 118.51(8), 118.52(10), 146.81-146.84, 252.15, 767.24(7), 938.02, 938.342(lr) and 938.396  
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