MODEL POLICY #18

ACCESS TO STUDENT RECORDS

Why Adopt This Policy?

School boards should consider adopting a policy that provides information about student records and access for parents. Such a policy ensures parental rights are understood and respected and that student privacy is protected in compliance with applicable laws. This policy helps establish clear guidelines for record-keeping practices and fosters trust and accountability between the school district and parents.

Policy

In order to provide appropriate educational services and programming, the District must collect, retain, and use information about individual students. Simultaneously, the District recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Family Educational Rights and Privacy Act (FERPA) defines an education record as including information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape and film. Categories of education records include, but are not limited to:

1. Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;
2. Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;
3. Special education records;
4. Disciplinary records;
5. Medical and health records that the school creates or collects and maintains;
6. Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

Student records shall be available only to students, their parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations only as permitted by law. Beyond these listed individuals, all student records shall be kept confidential. The Board shall adopt policies to maintain the confidentiality of such records.

The District is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by District employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

A student, or the parent or guardian of a minor student, shall, upon request, be shown the student's educational records. Upon request by a parent or student, the District must also provide copies of educational records. A request for student records must be signed and dated, specify what records are being requested, indicate to whom the records should be provided and for what purpose.

A student, or the parent or guardian of a minor student, has the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or student has the right to place a statement with the record setting forth his or her view about the contested information.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

Legal Analysis — National

The Family Educational Rights and Privacy Act (FERPA) gives parents access to student information, and it requires privacy protections for both paper and computerized student records. *See* 20 U.S.C. § 1232g; 34 C.F.R. § 99.

Legal Analysis — Wisconsin

Wisconsin law also has parental access and privacy protection laws. *See* Wis. Stat. § 118.125 (pupil records); Wis. Stat. § 118.126 (privileged communications); Wis. Stat. § 118.127 (law enforcement agency information); Wis. Stat. § 938.396 (records).

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