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MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: June 17, 1980 **FILE SECTOR: STUDENTS**
DATE REVISED: May 14, 1991 **POLICY TITLE: STUDENT RECORDS**
DATE REVISED: September 19, 1996
DATE REVISED: May 15, 2003
DATE REVISED: July 15, 2004
DATE REVISED: March 20, 2008
DATE REVISED: August 20, 2015

Student records shall be maintained in the Medford Area Public School District to assist school personnel in providing appropriate educational experiences for each student in the Medford Area Public School District.

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

Building principals shall have primary responsibility for the collection, maintenance, and dissemination of student records in accordance with state and federal laws and established procedures. All persons collecting or using student records shall be provided with information concerning confidentiality policies and procedures.

For purposes of board of education policy and its implementing guidelines, student records will include data kept in any form. Confidentiality provisions shall apply to information maintained in record form and oral exchanges regarding the contents of such record information.

CROSS REFERENCE: JHG, JO-R, & JP

LEGAL REFERENCE: 48.396(1),115.792(l)(a),115.812(2),118.125, 118.126, 118.127, 118.51, 118.52, 145.81- 146.83, 252.15, 254.162, 767.24(7), 938.342[lr], and 938.396, Wis. Stats., Chapter 19, Subchapter IV, Family Educational Rights and Privacy Act [20 U.S.C. Section 1232g], Chapter 115 to 121Protection of Pupil Rights Amendment [20 U.S.C. Section 1232h], 34 C.F.R. Sec. 98, 99.33, & 45 C.F.R. Sec. 99] & No Child Left Behind Act of 2001

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GUIDELINES FOR THE MAINTENANCE AND
CONFIDENTIALITY OF STUDENT RECORDS

1. **DEFINITIONS**

- a. **“Student records”** include all data directly related to an individual student, maintained by the school regardless of record format, other than: [1] notes or records maintained for personal use by teachers or other certified personnel who are required by the state superintendent under s. 115.28 (7) to hold a certificate, license, or permit if such records and notes are not available to others, [2] records necessary for and available only to persons involved in the psychological treatment of a student, and [3] law enforcement unit records.
- b. **“Progress records”** maintained by the school include a statement of courses taken by the student, the student’s grades, the student’s attendance record, the student’s immunization records, any lead screening records required under §254.162, and records of the student’s extracurricular activities.
- c. **“Behavioral records”** maintained by the school include psychological tests, personality evaluations, records of conversations, any written statements relating specifically to an individual student’s behavior, tests relating specifically to achievement or measurement of ability, student physical health care records other than immunization records, or any lead screening records required under §254.162, law enforcement officers’ records obtained under 48.396(1) or 938.396(1)(b) 2. or (c) 3. and any other student records which are not progress records.

[1] The student behavioral records include, but not limited to, referral information [including notices and forms]; signed parental consent or refusal for evaluation; individualized education program team [IEP team] evaluations; individual reports and IEP findings and reports; individualized education programs; placement decisions and signed parental consent or refusal; medical evaluations and prescriptions required to substantiate health treatment services; medical evaluations used to substantiate a disability; and physician’s statement required for provision of special education homebound instructional services [see *Medford Area Public School District Special Education Handbook*].

- d. **“Law Enforcement officer records”** include those records obtained from a law enforcement agency relating to: [a] the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the Medford Area Public School District, [b] the illegal possession of a dangerous weapon by a student, [c] the act for which a juvenile enrolled in the Medford Area Public School District was adjudged delinquent, and [d] 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 law. The law enforcement agency may provide such record information to the district on its own initiative or upon request of the Medford Area Public School District Administrator or designee, subject to the agency’s official policy. Once the records are received, the student named in the records and the parent(s)/guardian(s) of any minor student named in the records shall be notified of the information.

- e. **“Court records”** include those records received from a court clerk concerning a juvenile enrolled in the Medford Area Public School District who: [a] 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, [b] has been adjudged delinquent, [c] has school attendance as a condition of his/her court dispositional order, or [d] 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.

- f. **“Student physical health records”** include basic health information about a student, including the student’s immunization records, an emergency medical card, a log of first-aid and medicine administered to the student, an athletic permit card, a record concerning the student’s ability to participate in an education program, any lead screening records required under Wis. Stat. 254.162, 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 designated state superintendent.

- g. **“Student 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.

- h. **“School resource officer records”** include all records maintained by a law enforcement unit of the school district that are created by that law enforcement unit for the purpose of law enforcement. Such records are not student records and shall be maintained separately from student records. School resource officer records shall be disclosed only to the extent other law enforcement officers’ records are disclosed.

- i. **“Directory data”**, as designated by the Medford Area Public School District, includes a student’s name, address, telephone listing, 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 school most recently attended by the student.

- j. **“Parent”** means parent, legal guardian or guardian ad litem.
- k. **“Adult student”** means a student who has attained the age of 18.

2. **ACCESS RIGHTS REGARDING STUDENT PROGRESS AND BEHAVIORAL RECORD INFORMATION.**

a. **Parent(s)/Guardian(s)/Adult Student Access to Student Records**

[1] Parent(s)/guardian(s) shall be permitted to review and inspect any student records relating to their minor child, except as provided in [a] below. Student behavioral records shall be shown to the parent(s)/guardian(s) in the presence of a person qualified to explain and interpret the records [i.e., special education designee for special education student behavioral records; building principal for other student behavioral records]. If any student record includes information on more than one child, the parent(s)/guardian(s) of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information. Parent(s)/guardian(s) will be provided a single copy of their minor child's records upon request.

[a] A parent(s)/guardian(s), regardless of whether the parent(s)/guardian(s) has legal custody of the student, shall have equal access to the student's medical, dental and school records unless the parent(s)/guardian(s) has been denied access to such records as outlined by state law [e.g. denied periods of physical placement with the student, ordered by the court].

[2] Personally identifiable information from the student records of an adult student may be disclosed to the parent(s)/guardian(s) of the adult student without the written consent of the adult student if the adult student is still considered a dependent of his/her parent(s)/guardian(s) for tax purposes. This may be done unless the adult student has informed the school, in writing, that the information may not be disclosed.

[3] The Medford Area Public School District will respond to parental requests for records without unnecessary delay and in no case more than 45 working days after the request is made.

[4] A list of the types and locations of student records collected, maintained or used by the Medford Area Public School District shall be provided to parent(s)/guardian(s) on request.

[5] For purposes of board of education policy and these procedures, adult students have all the rights accorded to parent(s)/guardian(s) concerning their own records.

- b. **Minor student Access to Progress Records** - A minor student may be shown and provided with a copy of his/her progress records upon request.
- c. **Access to Progress and Behavioral Records by Persons Other Than Parent(s)/Guardian(s)/Students with Consent** - The Medford Area Public School District shall provide access to a student's behavioral or progress records when a signed authorization by the parent(s)/guardian(s) or adult student that consents to the release of information to another party or agency is presented.

For purposes of these procedures, "informed consent" means written consent that includes all of the following information: [a] the name of the student whose record is being disclosed, [b] the type of information 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(s)/guardian(s) of a minor student, [g] the date on which the consent is signed, and [h] the time period during which the consent is effective.

- [1] Upon the written request of an adult student or the parent(s)/guardian(s) of a minor student, the school shall make available to the person named in the permission 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 record information may not be made available under this exception unless specifically identified by the adult student or by the parent(s)/guardian(s) of a minor student in the written request.
- [2] Annually, on or before August 15, the Medford Area Public School 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 Medford Area Public School District, who are 16 years of age or older, who are enrolled in a special education program, 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 and 51.437 [community mental health, development disabilities, alcoholism, and drug abuse]. Before filing the report, parent(s)/guardian(s) or adult student consent shall be obtained.
- [3] Student Patient Health Care Records: All student patient health care records shall remain confidential. They may be released only to persons specifically designated in state statute or to other persons with the informed consent of the patient or a person authorized by the patient.

- d. **Access to Progress and Behavioral Records by Persons Other Than Parent(s)/Guardian(s)/Students without Consent** - The Medford Area Public School District shall provide access to a student's behavioral or progress records without consent in accordance with any valid court order / ordinances or the following procedures:

- [1] Student records shall be disclosed at the request or order of a court. The district shall make a reasonable effort to notify the parent(s)/guardian(s) or adult student of the order in advance of compliance therewith, except as otherwise provided by law.
- [2] Student records may be disclosed to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of any individual.
- [3] If school attendance is a condition of a student's dispositional order under 48.355[2][b]7 or 938.358[2], the board of education 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] 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 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(s)/guardian(s) shall be notified of that disclosure as soon as practicable after the disclosure.
- [5] Student records shall be made available to school officials who have been determined by the board to have legitimate educational interests, including safety interest, in such records. 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 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 and police liaison personnel); a person serving on the board of education; 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 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.

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

- [a] Law enforcement records, including but not limited to AOD, weapons possession, or delinquency-related record information, received by the district may be made available to those school officials with legitimate educational interests, including safety interest, in the information. If law enforcement 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, including action under the district's co-curricular code of conduct.
- [b] Court records obtained by the Medford Area Public School District must be disclosed to Medford Area Public School District employees who work directly with the juvenile named in the records or who have been determined by the board of education 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 action under the district's co-curricular code of conduct.
- [c] Student patient health care records may be released upon request without informed consent to a Medford Area Public School District employee or agent, with regard to patient records maintained by the Medford Area Public School District in which he/she is employed or is an agent, if any of the following apply:
 - [1] The employee or agent has responsibility for the preparation or storage of patient health care records.
 - [2] 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 to other persons only with the informed written consent of the test subject.

- [6] A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that:
 - [a] the student is under investigation for arson,
 - [b] the student's attendance record is necessary for the fire investigator to pursue his/her investigation, and
 - [c] the fire investigator will use and further disclose student's attendance record only for the purpose of pursuing that investigation.

- [7] Student records may be disclosed to a law enforcement agency, district attorney, city attorney, corporation counsel, social welfare agency, juvenile intake worker, court, private school or another school board for the purposes of providing services to the student before adjudication if the disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies that the records will not be further disclosed.
- [8] Student records shall be provided to a court in response to a subpoena for inspection. The court may turn said records or parts thereof over to parties in the action or to their attorneys if these records would be relevant and material to a witness's credibility or competency. The district shall make a reasonable effort to notify parent(s)/guardian(s) or adult students of the subpoena in advance of compliance therewith, except as otherwise provided by law.
- [9] The board of education may provide the state education agency or any other public officer with any information required under Chapters 115 to 121, which covers all aspects of public instruction under the law. The state education agency may secure student or other records which are necessary in connection with the audit and evaluation of state or federal-supported programs or in connection with the enforcement of state or federal requirements which relate to such programs.
- [10] Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.
- [11] Upon request, the board of education clerk shall provide the names of students who have withdrawn from school prior to graduation to the technical college board in which the public school is located or, for verification of eligibility for public assistance, to the Department of Health and Family Services, the Department of Workforce Development or a county department under sections 46.215, 46.22 or 46.23 of the state statutes.
- [12] The district shall, upon request, provide student disciplinary records necessary for purposes of student 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.
- [13] The school district clerk or his/her designee 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 Justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under chapter 980 (sexually violent persons commitment), if the student records involve or relate to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding is pending may issue any protective orders that it determines are appropriate concerning student records made available or disclosed under this provision. Any representative of the Department of Corrections, the Department of Health and Family Services, the Department of Justice, or a district attorney may disclose information obtained under this provision for any purpose consistent with any proceedings under chapter 980.

- [14] Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by individualized education program teams under state special education laws, except as provided in 2-d-5 a and b.
- e. If a request is received from the Disability Rights Wisconsin Inc. (DRW) for access to the student records of a student with a mental illness who is receiving care and treatment at school, a student with a disability receiving special education services or a student with a Section 504 accommodation plan, for purposes of investigating potential claims of abuse or neglect under applicable federal laws, the request shall be handled as follows:
- [1] If the DRW provides proof of parental consent to access the records, the district shall provide DRW such access.
- [2] If DRW does not provide proof of parental consent to access the records, the district shall determine if the conditions for access without parental consent, as defined in applicable federal laws, are met and, if so, provide access to the requested records.
- [a] If the student whose records are requested has a mental illness and is receiving care or treatment at school but is not eligible for special education services or a Section 504 accommodation plan, DRW's access to the student's records without parental consent is limited to disclosure only when the following three conditions exist: (1) the potential abuse or neglect places the health or safety of the student in serious and immediate jeopardy, (2) DRW has notified the student's parent(s)/guardian(s) of the potential abuse or neglect and has offered assistance, and (3) the parent(s)/guardian(s) has failed or refused to act.
- [b] If the student whose records are requested is receiving special education services or has a Section 504 accommodation plan, DRW has access to the student's records without parental consent when one of two conditions exist: (1) when the DRW has notified the parent(s)/

guardian(s) of the suspected abuse or neglect of his/ her child, has offered assistance and the parent(s)/ guardian(s) has failed or refused to act, or (2) when the potential abuse or neglect places the health or safety of the student in serious and immediate jeopardy.

The records DRW may be able to access from school include both individual student records and investigative records or reports prepared by school district employees.

- [3] If the conditions for disclosure without parental consent are not met or if DRW shows that they have probable cause to investigate suspected abuse or neglect of a student whose identity is unknown but could be determined with further investigation, the district may consider providing DRW with contact information about the student's parent(s)/guardian(s) so that DRW may attempt to obtain consent for access to the records. The building principal shall consult with the district administrator when making this determination.

3. **RELEASE OF STUDENT DIRECTORY DATA**

Except as provided below, directory data may be disclosed to any person after the school has (1) notified the parent(s)/guardian(s) or guardian ad litem, or adult student of the categories of information which it has designated as directory data with respect to each student, (2) informed 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) allowed 14 days for the adult student or parent(s)/guardian(s) or guardian ad litem of a minor student to inform the school, in writing, that all or any part of the directory data may not be released without their prior consent. Parent(s)/guardian(s) or adult students can restrict the release of student directory data at any time.

- a. If the Medford Area Public School District has followed the notification procedure outlined above, and the parent(s)/guardian(s) does not object to the directory data being released, the board of education clerk shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the technical college board.
- b. If the Medford Area Public School District has followed the notification procedure outlined above, and the parent(s)/guardian(s) does not object to the directory data being released, the board of education clerk shall, upon request, provide any representative of a law enforcement agency, city attorney, district attorney or corporation counsel, county department under sections 46.215, 46.22 or 46.23 or a court of record or municipal court with such directory data information relating to any such student enrolled in the Medford Area Public School District for the purpose of enforcing that student's school attendance, to respond to a health or safety emergency, or to aid in the investigation of alleged criminal or delinquent activity by a student enrolled in the Medford Area Public School District.

- c. If the Medford Area Public School District has followed the notification procedure outlined above, and the parent(s)/guardian(s) or adult student does not object to the directory data being released, the board of education clerk shall, upon request by military recruiters provide secondary school students' names, addresses, and telephone listings. The district shall provide military recruiters the same access to secondary students and student directory data about such students as is provided to post-secondary institutions or prospective employers.
- d. Administrators have the discretion to refuse the release of individual student phone numbers and addresses for the safety of the student. When reviewing student directory data requests, as well as when implementing other provisions of these guidelines, consideration shall be giving to applicable provisions of the public records law and the district's policy and procedures dealing with public records.

4. **STUDENT PARTICIPATION IN SURVEYS**

- a. An adult student or the parent(s)/guardian(s) of a minor student shall be notified by the Medford Area Public School District of any student survey containing questions addressing any of the following protected areas: political affiliations or beliefs of the student or parent(s)/guardian(s), mental, or psychological problems of the student or the student's family, sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships (i.e. lawyers, physicians or ministers); religious practices, affiliations, or beliefs of the student or student's parent(s)/guardian(s); or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program). At least annually, at the beginning of the school year, the district shall notify the parent(s)/guardian(s)/adult student of the approximate dates during the school year when the district will administer student surveys that contain questions about any of the protected areas. Parent(s)/guardian(s)/adult students shall be provided an opportunity to opt out his or her child from participating.

[1] The district shall obtain written consent from parent(s)/guardian(s)/adult students, before administering required student surveys that contain questions about any of the protected areas and that are funded in whole or in part by U.S. Department of Education funds.

[2] The district shall offer parent(s)/guardian(s)/adult students an opportunity to opt their child out of participating in activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.

[3] Parent(s)/guardian(s)/adult students have the right to review, upon request, any survey that concerns any of the protected areas of information.

5. **CHALLENGE/AMENDMENT OF STUDENT RECORDS**

- a. An adult student, or the parent(s)/guardian(s) of a minor student, shall have the opportunity to challenge the contents of a student's school records by making a written request directly to the building principal, or to the Medford Area Public School District Administrator in the event the student is no longer enrolled in the Medford Area Public School District. The written request shall: [1] set forth the specific portion of the school record claimed by the challenger to be in error, inaccurate, misleading, or in violation of the student's privacy rights and [2] state the modification[s] requested in respect thereto.

[1] If the request is made to a building principal, the principal shall confer with the Medford Area Public School District Administrator concerning the request.

[2] The Medford Area Public School District Administrator, either from the information provided to him/her by a building principal or from the individual's direct request to the Administrator, shall make a written response to the adult student or parent(s)/guardian(s). This response shall be within a reasonable time of the receipt of the written challenge by the building principal or Medford Area Public School District Administrator.

- b. If the district decides not to amend the record as requested, it shall inform the parent(s)/guardian(s) or eligible student of its decision and of his/her right to a hearing. He/she may make a written request for a hearing before the board of education regarding the original challenge. This request shall be directed to the Medford Area Public School District Administrator within a reasonable period of time after the receipt of the Medford Area Public School District Administrator's response.

[1] The Medford Area Public School District Administrator shall, upon receipt of the request for hearing, arrange for a hearing to be held before the board of education within a reasonable time of the receipt of the request therefor.

[2] The board of education shall conduct the hearing, take evidence and make its findings, conclusion and order upon the evidence submitted at the hearing, and shall notify the challenging adult student, or the parent(s)/guardian(s) of a minor student, of such findings, conclusion and decision within a reasonable period of time following the conclusion of the hearing.

[3] If, as a result of the hearing, the board of education decides that the information is inaccurate, misleading or in violation of the student's privacy rights, it shall amend the information accordingly and inform the adult student, or parent(s)/guardian(s) of a minor student, of such amendment.

[4] If, as a result of the hearing, the board of education decides that the information is not inaccurate, misleading or in violation of the student's privacy rights, it shall inform the adult student, or parent(s)/guardian(s) of a minor student, of the right to place in the records it maintains on the student, a statement commenting on the information or setting forth any reasons for

disagreeing with the decision of the board of education. The board of education shall require that any explanation placed in the records of a student be maintained by the Medford Area Public School District as part of the records as long as the record or contested portion is maintained by the Medford Area Public School District. If the records of the student, or the contested portion are disclosed by the Medford Area Public School District to any party, the explanation shall also be disclosed to that party.

6. MAINTENANCE OF STUDENT RECORDS

- a. The building principal shall have primary responsibility for maintaining the confidentiality of student records in each school building. All requests for inspection or transfer of student records to another school district or agency shall be directed to the building principal, who will determine whether inspection or transfer is permitted under these procedures. Confidentiality provisions regarding student records apply to information maintained in record form and oral exchanges regarding the contents of such record information.

[1] Building principals shall maintain an updated list of staff by name and title who have access to student records.

[2] The Medford Area Public School District shall keep a record of parties obtaining access to student records collected, maintained or used under these procedures, except access by parent(s)/guardian(s); authorized Medford Area Public School District employees whose names and positions are listed; a party with written consent from the parent(s)/guardian(s) or adult student; a party with written consent of the parent(s)/guardian(s)/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.

[3] A record of access shall be maintained in each student's file. This record shall include the name of the party, date access was given, and the purpose for which the party was authorized to use the record.

- b. While students are enrolled in school, their progress records will be maintained in the school of attendance. Upon transfer of the student another school operated by the Medford Area Public School District, the records shall be transferred to that school. When the student ceases to be enrolled in a school operated by the Medford Area Public School District, his/her non-special education records will be kept in the building he/she last attended. Special Education records will be kept by the Director of Special Education.

[1] All student records shall be maintained in locked files.

- [2] Student patient records and law enforcement officer record information shall be maintained separately from a student's other records.

7. **TRANSFER OF STUDENT RECORDS**

- a. All student records relating to a specific student shall be transferred to another school or school district upon receipt of written notice from:
- [1] an adult student, or the parent(s)/guardian(s) of a minor student, that the student intends to enroll in the other school or school district;
- [2] another school or school district that the student has enrolled; or,
- [3] a court that a student has been placed in a secured correctional facility or secured group home or secured child caring institution.
- b. Records will be sent to another school or school district within five working days of receiving the written request.
- c. Student record information shall be disclosed upon receipt of written consent to another agency on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent(s)/guardian(s)/adult student. The district shall inform the party to whom disclosure is made of this requirement. This does not apply to the release of directory data, the release of information pursuant to a court order or subpoena, or disclosure to parent(s)/guardian(s)/adult student.

8. **DESTRUCTION OF STUDENT RECORDS**

- a. The special education designee/coordinator/director shall be responsible for reviewing records of students with special educational needs. Information that is no longer needed to provide educational services to the special education student shall be destroyed after one month notification to the parent(s)/guardian(s).
- b. All behavioral records shall be destroyed one year after the student graduates or last attends school, except with written parent(s)/guardian(s) or adult student permission to retain special education records for a longer period of time for audit purposes. Where such permission is received, behavioral records shall be maintained for the time period specified in the written permission or as long as the district's needs require. If written parent(s)/guardian(s) or adult student consent to maintain special education records for a period longer than one year is not granted, all personal identifiers will be removed from records and they shall be maintained until no longer needed to satisfy federal record maintenance requirements.
- c. Student progress records shall be destroyed 6-7 years after the student ceases to be enrolled in the Medford Area Public School District or upon notification of the former student's death.

9. **ANNUAL PUBLIC NOTICE**

Parent(s)/guardian(s) and students shall be notified annually of the following: [a] their rights to inspect, review and obtain copies of student records; [b] the existence of the student records policy and procedures and where copies can be obtained; [c] the categories of student record information which have been designated as directory data and their right to deny the release of such information within 14 days of receipt of notification; [d] their rights to request 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; [e] 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, [f] their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

Provisions shall be made to effectively notify parent(s)/guardian(s) when the parent(s)/guardian(s)' primary language is other than English. Parent(s)/guardian(s) of secondary school students shall also be notified of their option to request 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 parental consent.

When a student transfers into the Medford Area Public School District after the above notice has been given, the student and his/her parent(s)/guardian(s) shall receive a copy of the notice.

10. **COMPLAINTS REGARDING ALLEGED NON-COMPLIANCE WITH FEDERAL REQUIREMENTS**

Adult students or parent(s)/guardian(s) of minor students may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for alleged district non-compliance with requirements of the federal Family Educational Rights and Privacy Act (FERPA).