



## Procedures for Record Requests

Creating procedures for responding to records requests is essential for ensuring compliance with legal requirements. Melrose-Mindoro has adopted the following procedures to help guide the district when such requests are received.

### **DEFINITIONS:**

**Educational Records:** According to FERPA, educational records are defined as any record directly related to a student that contains personally identifiable information and is maintained by the school district. The goal of maintaining educational records is to assist parents and teachers in making important decisions about a student's learning and to monitor and adjust their instruction. They can also provide specific details about an individual student's needs. The educational records maintained by the District are located in the cumulative file locked in the school office or listed below. These maintained educational records include the following:

- Report Cards
  - Grades
  - Classes
- Transcripts
- Diploma
- Attendance records
- State Assessment
- District Assessment Information - **EduClimber**
- Health records - **Nurse's Office**
- Disciplinary records - **EduClimber**
- Behavior Contracts - **Principal's Office**
- Class Schedules - **Infinite Campus**
- 504 Plans - **Counselor's Office**

**Special Education Records:** These records fall under the umbrella of Educational Records. FERPA protects special education records, and public school districts are responsible for complying with FERPA and the Individuals with Disabilities Education Act (IDEA). Special education pupil records are classified as Mandatory Interim Records, which means that specific regulations govern access, transfer, and destruction of these records. The special educational records maintained by the district are locked in the school office or listed below. These maintained special educational records include the following, if applicable:

- IEP Documents and forms pertaining to the IEP based on age and disability (i.e., PTP, Child Outcome Rating)
- Special Education Evaluation Reports and forms pertaining to an evaluation
- IEP Progress Reports

- Notices (i.e., Meeting notices, meeting invitations, parental rights, Medicaid billing, communication options, Notice of Transfer of Rights at 17 and 18 years old, Notice of Graduation, Notice of Ending of Services due to Age)
- Behavior Intervention Plans, Functional Behavioral Assessments
- Consents (i.e, placement, Medicaid billing)
- Other special education documents required by WI DPI as they pertain to the child's age and status (i.e. Summary of Performance, ESY, Manifestation Determination)
- Release of Information

**Open Records:** Wisconsin defines an open record as any document, regardless of physical form, that "has been created or is being kept by" an agency. Under the Wisconsin Public Records Law, a "record" is defined as any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by the authority. It includes handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved.

### **Records Not Maintained By The District:**

Records that are not maintained by the district include, but are not limited to, the following:

- Drafts, notes, preliminary computations, and like materials prepared for the originator's personal use for the purpose of recollection
- Personal correspondence, memos, notes, and email communications between staff members
- Emails on the District Server
- Surveillance Footage
- Communication Folders or Notebooks Between Home and School
- Raw Data
- Student Work Samples

### **Procedure for Records Requests:**

#### **1. Receiving the Request:**

- **Acceptable Formats:** Requests can be received via mail, fax, email, or in person.
- **Date:** The person who received the request will date it upon receipt to ensure compliance with response timelines.
- **Submit to District Administrator:** The person who receives the request will immediately forward it to the District Administrator for review.
- **Review the Request:** The District Administrator will review the nature of the request and determine what specific documents need to be identified.
- **Notification:** A written acknowledgment of receipt will be sent within five business days.

#### **2. Verifying Requestor Identity and Authority**

- **Parental or Guardian Requests:** The District Administrator will verify that the person requesting has legal rights to access the records.

- **Third-Party Requests:** If the request is from an attorney, advocate, or another third party, the District Administrator will ensure there is a signed consent form from the parent or guardian.
- **Internal Requests:** The District Administrator will identify internal departments or personnel requesting the records and verify their need to access them.

### 3. Processing the Records Request

- **Clarify the Request:** The District Administrator will contact the requester if the request is vague or overly broad to clarify what specific records are needed.
- **Compile the Records:** The District Administrator will designate individuals to gather all documents relevant to the request. This may include Individualized Education Programs (IEPs), assessment reports, progress notes, disciplinary records, and other related documents. The District may not charge a search and location fee for Special Education or Educational Records Requests. The District may charge a search and location fee for Open Records Requests.
- **Redact Confidential Information:** Ensure that any information not covered by the request or protected under FERPA (Family Educational Rights and Privacy Act) or IDEA (Individuals with Disabilities Education Act) is redacted. The District may not charge for the redaction of materials.
- **Copies:** Copying fees can be charged to the families for educational records, a second copy of special education records, and all open records.

### 4. Notifying the Requestor

- **Response Timeframe:** Educational and special education records requests need to be completed within **45 days** of receiving the request. If records will not be provided within that time frame, inform the requester of the reason for the delay and provide an estimated delivery date that aligns with the 45 days per FERPA guidelines. The open records law states that the District can fill or deny a request “as soon as practicable and without delay.”
- **Right to Inspect and Review:** Students and their parents or guardians have the right to inspect and review their own education records, request corrections, halt the release of personally identifiable information, and obtain a copy of their institution’s policy concerning access to educational records. (20 U.S.C.S. § 1232g(a)).
- **Copy Costs:** Copying fees can be charged to the families for educational records, a second copy of special education records, and all open records. Refer to the district’s policy regarding the current per-page fee.

### 5. Billing for Records Requests

- **Determine Costs:** Calculate the cost based on the following:
  - **Copying Charges:** Charge per page (e.g., \$0.15).
  - **Search and Location Fees:** Bill for the time spent by staff to search and locate records **for open records requests only**. No redacting fees can be charged.
  - **Postage and Delivery:** Include charges for postage or any special delivery options if applicable.
  - **Provide an Invoice:** Send an itemized invoice to the requester detailing the costs associated with fulfilling the request.
  - **Payment Methods:** Specify acceptable payment methods (e.g., check, credit card, electronic payment).

### 6. Releasing the Records

- **Verify Payment:** Ensure full payment is received before releasing records.
- **Secure Delivery:** Deliver the records either electronically or by mail with tracking.
- **Document Delivery:** Maintain documentation of what was released, to whom, and the release date.

### 7. Follow-Up

- **Confirm Receipt:** Follow up with the requester to confirm receipt of the records.

- **Retain Copies:** Keep copies of all correspondence and released records.

## 8. Handling Disputes or Complaints

- **Address Complaints Promptly:** If the requester disputes the content, format, or cost, address their concerns promptly.
- **Document All Interactions:** Keep records of all communications and actions taken to address the dispute.

### Steps To Take When Handling Disputes or Complaints

- **Address Complaints Promptly:** If a parent believes that his or her child's educational records are inaccurate, misleading, or in violation of students' rights to privacy, the parent may request that the school amend the record. If a district opts not to carry out the request, then it has to inform the parent or eligible student of its decision and his or her right to an informal hearing to contest the decision.
- **Amend Process:** Once the parent has reviewed the education record, he or she may ask the school to amend the record if it contains what the parent believes is inaccurate or misleading information or if it violates the student's right to privacy. Once the school receives the parent's request, the school makes an initial decision about whether it will amend the record and notify the parent of the decision. If the school decides not to amend the record, then the notification of this decision must make it clear that the parent has a right to request a hearing.
- **Hearing:** If the requester disputes the content, format, or cost, address their concerns promptly and offer resolution steps. The school must hold the hearing within a reasonable time after receiving the parent's request for a hearing. The school must give the parent or student notice of the time, date, and place of the hearing within a reasonable time of the appointed date. Any individual, including a school official, who does not have a direct interest in the outcome of the proceeding may conduct the hearing. The parent or student must have a full and fair opportunity to present evidence relevant to the matter, and they may, at their own expense, hire a representative to assist or represent them. This representative may be an attorney. The school must make a decision in writing within a reasonable time after the hearing, and the decision must be based solely on the evidence presented at the hearing. The decision must include a summary of the evidence and the reasons for the decision.
- **Document All Interactions:** Keep records of all communications and actions taken to address the dispute.