

Student Records

Student records shall be maintained in the interest of the student to assist school personnel in providing appropriate educational experiences for each student in the District.

The School Board recognizes the need for confidentiality of student records. Therefore, the 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/guardian 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 law.

Student record notices shall be published annually in accordance with state and federal law.

Procedures for the Maintenance and Confidentiality of Student Records

Content of Records

Student records include all records relating to an individual student other than notes or records maintained for personal use by teachers or other certified personnel and which are not available to others and records necessary for and available only to persons involved in the psychological treatment of a student. For the purposes of this policy the term student record and pupil record will be considered synonymous. It should also be noted that the federal definition of education records in the Family Educational Rights and Privacy Act (FERPA) is comparable to the state definition for pupil and student records.

1. Progress records maintained by the school include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's extracurricular activities and the student's attendance record.
2. Behavioral records maintained by the school include psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records other than his/her immunization records, law enforcement agency records and any other student records which are not progress records.
 - a. Law enforcement agency records include those records and other information obtained from a law enforcement agency relating to: (1) the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the district, (2) the illegal possession of a dangerous weapon by a child, (3) an act for which a district student was taken in custody based on the law enforcement officer's belief that he/she violated or was violating any state or federal criminal

laws, and (4) the act for which a juvenile enrolled in the District was adjudged delinquent. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the District administrator, Building principals, or designees.

- b. Court records include those records received from a court clerk concerning a juvenile enrolled in the District who: (1) has had a petition filed with a court alleging that he/she has committed a delinquent act that would be a felony if committed by an adult, (2) has been adjudged delinquent, (3) has school attendance as a condition of his/her court dispositional order, or (4) has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang that would be a felony if committed by an adult, and has been adjudged delinquent on that basis.
- c. Physical health records include basic health information about a student, including the student/s emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a record concerning the student's ability to participate in an education program, the results of any routine screening test such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information as determined by the State Superintendent of Public Instruction.
- d. Patient health care records include all records relating to the health of a student prepared by or under the supervision of a health care provider, which are not included in the student physical health records definition above and include such information as diagnoses, opinions, and judgments made by a health care provider.
- e. Directory Data (see Policy JOA)

Confidentiality

All student records are confidential, with the following exceptions:

- 1. Release of Student Records to Students and Parents/Guardians
 - a. 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 within forty-five (45) calendar days from the date the request was received.
 - b. An adult student or the parent/guardian of a minor student shall, upon request, be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records. Such a student or parent/guardian shall, upon request, be provided with a copy of the behavioral records within forty-five (45) calendar days from the date the request was received.
 - b. A parent shall have access to a student's school records regardless of whether the parent has legal custody of the child unless otherwise ordered by the court.
 - c. Personally identifiable information from an adult student's records may be disclosed to the student's parent(s)/guardian(s) without the adult student's written consent, if the adult student is a dependent of his/her parent(s)/guardian(s) 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.
 - d. Parents or guardians are not allowed access to information relating to their adolescent's reproductive health without authorization from the adolescent.

- e. Parents or guardians are not entitled to information received by a school psychologist, counselor, social worker, or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities from a pupil that the pupil or another pupil is using or is experiencing problems resulting from the use of alcohol or other drugs unless:
 - 1.) The pupil gives written consent for disclosure,
 - 2.) There is serious and imminent danger to the health, safety or life of any person and that disclosure of the information will alleviate the serious and imminent danger,
 - 3.) A report of suspected child abuse or neglect is reacquired under Wis. Stats. 49.981,
 - f. Parents may not access information related to the HIV test results of a student age 14 years and older without the student's consent.
2. Access to Student Records (Other than Patient Health Care Records) by District Staff and Other Designated School Officials
- a. Student records shall be made available to persons employed by the District who are required by the state to hold a license and to other school district officials who have been determined by the School Board to have legitimate educational interests, including safety interests, in the student 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-school liaison personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as an attorney, auditor, medical consultant or therapist); or a person serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.
 - b. Law enforcement agency record information received by the District may be made available to those school officials with legitimate educational interests, including safety interests, in the information. If law enforcement agency record information obtained by the District relates to a District student, the information may also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from, or as the sole basis for taking any other disciplinary action against a student, including action under the District's athletic/activity code.
 - c. Law enforcement unit records may be made available to school officials under the same conditions as outlined above regarding access to law enforcement agency record information.
 - d. Court records obtained by the District must be disclosed to District employees who work directly with a juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other

disciplinary action against a student, including action under the District's athletic/activity code.

- e. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by individualized education program teams under state special education laws.

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

- a. Student records shall be disclosed at the request or order of a court. The District shall make reasonable effort to notify the parent/guardian or adult student of a judicial order in advance of compliance therewith, except as otherwise provided by law.
- b. If school attendance is a condition of a student's court dispositional order under state law, the Board shall notify the court or, if the student is under the supervision of an agency, the agency that is responsible for supervising the student within five days after any violation of the condition by the student.
- c. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. When a student's attendance record is disclosed to a law enforcement agency for purposes of truancy, the student's parent/guardian shall be notified of that disclosure as soon as practicable after the disclosure.
- d. A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that: (1) the student is under investigation of arson, (2) the student's attendance record is necessary for the fire investigator pursue his/her investigation, and (3) the fire investigator will use the further disclose the student's attendance record only for the purpose of pursuing that investigation.
- e. The District may disclose student records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual.
- f. For the purpose of providing services to a student before adjudication, the Board may disclose student records to a law enforcement agency, district attorney, city attorney, corporation counsel, agency as defined in section 938.78(1) of the state statutes, intake worker under section 48.067 or 938.067 of the statutes, court of record, municipal court, private school or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as permitted under state law.
- g. Upon the written permission of an adult student, or the parent/guardian of a minor student, the school shall make available to the person named in the permission form the student's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the adult student or by the parent/guardian of a minor student in the written request.
- h. 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 an eyewitness 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. The District shall make a reasonable effort to notify the parents/guardians or adult student of the subpoena in advance of compliance therewith, except as otherwise provided by law.

- i. The District may provide the DPI or any public officer with information required under Chapters 115 to 121 of the state statutes. 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
- j. Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.
- k. Upon request, the names of students who have withdrawn from school prior to graduation, shall be provided to the technical college district board in which the public school is located or, for verification of eligibility for public assistance, to the Department of Health and Family Services, the Department of Workforce Development or a county department under sections 46.22, or 46.23 of the state statutes.
- l. Annually, on or before August 15, the District shall report to the appropriate community services boards established under sections 51.42 and 51.437 the names of students who reside in the District, who are 16 years of age or older, who are not expected to be enrolled in an educational program two years from the date of the report and who may require services under sections 51.42 or 51.427 (community mental health, development disabilities, alcoholism and drug abuse). The parent(s)/guardian(s) of such students shall be contacted to obtain informed consent prior to making such a report.
- m. 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: (1) a copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student; (2) a written explanation of the reasons for the expulsion or pending disciplinary proceedings; and (3) the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceedings.

4. Release of Patient Health Care Records

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

- a. The employee or agent has responsibility for the preparation or storage of patient health care records.
- b. Access to patient health care records is necessary to comply with a requirement in federal or state law.

Any record that concerns the results of a test for the presence of HIV or antibody to HIV shall be confidential and may be disclosed only with the informed written consent of the test subject. A log will be maintained of every release of patient health information. District patient health care records are considered education records and are subject to the

FERPA rules, and not the privacy portions of the Health Insurance Portability and Accountability Act (HIPAA).

5. Release of Directory Information (see Policy JOA)

6. Transfer of Records

The District shall transfer to another school or school district all student records relating to a specific student if it has received written notice from:

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

Student records may not be withheld for failure to pay fees or fines.

Student records shall be transferred within five working days of receiving the request. Working days in this case refers to days in which the building principal's office is open. A patient health care record received from a provider outside the school may not be transferred to the new school unless informed consent of the parent, guardian or adult pupil is obtained.

Maintenance, Disclosure and Destruction of Student Records

1. While students are attending school, their records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the District the records shall be transferred to that school. Patient health care records, law enforcement agency, and law enforcement unit records shall be maintained separately from a student's other records.
2. The building principal shall have primary responsibility for maintaining the confidentiality of all student records kept at the school. Except as otherwise provided, all requests for inspection or for transfer to another school or school district should be directed to the building principal who will determine whether inspection or transfer is permitted under state and federal law and these procedures. The building principal or his/her qualified designee shall be present to interpret behavioral records when inspection is made under the Confidentiality Section (1)(b) above.
3. A record of each request for access to and each disclosure of personally identifiable information from the education records of a student shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:
 - a. The parent/guardian or adult student.
 - b. A school official.
 - c. A party with written consent from the parent/guardian or adult student.
 - d. A party seeking directory data (see Policy JOA).
 - e. A party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed.

4. When the student ceases to be enrolled in a school operated by the District, his/her records will be kept by the building principal of the school last attended in the District and maintained as follows:
 - a. Behavioral records will be maintained for no longer than one year after the student graduated from or last attended the school unless the student or his/her parent/guardian, if the student is a minor, gives permission that the records may be maintained for a longer period of time.
 - b. Student progress records shall be maintained for 30 years after the student ceases to be enrolled in the District.
 - c. The Director of Pupil Services shall be responsible for reviewing records of students with disabilities before they are destroyed. Parents/guardians and adult students shall be informed of information that is no longer needed to provide educational services to the students with a disability and of their right to obtain a copy of such information before it is destroyed. Special education records including IEP Team evaluation reports, IEPs and placement notices must be maintained for a minimum of five (5) years for federal financial or program audit purposes.

Amendment of Records

1. A parent/guardian or adult student who believes that information contained in the student's records is inaccurate, misleading, or otherwise in violation of the student's rights of privacy may request the District to amend the records. Such request shall be addressed in writing to the school official having custody of the records. Within forty-five (45) calendar days after receiving the request, the person having custody of the records shall decide whether to amend the records in accordance with the request and inform the parent/guardian or adult student of the decision.
2. If the person having custody of the records refuses to amend the records, he/she shall inform the parent/guardian or adult student of the refusal and advise him/her of the right to a hearing. The request for the hearing shall be filed in writing with the district administrator or designee. The parent/guardian or adult student shall be given notice of the date, place, and time of the hearing reasonably in advance of the hearing.
 - a. The district administrator or designee, who must be someone who does not have a direct interest in the outcome of the hearing, shall conduct the hearing.
 - b. The parent/guardian or adult student shall be afforded the opportunity to present relevant evidence and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
 - c. The decision of the hearing officer shall be based solely upon evidence presented and shall include a summary of the evidence and the reason for the decision.
 - d. The hearing shall be held and the parent(s)/guardian(s) or adult student informed of the hearing officer's decision in writing within a reasonable period of time after the hearing.
 - e. If the hearing officer decides that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the education records of the student shall be amended accordingly.
 - f. If the hearing officer decides that the information is not inaccurate misleading or otherwise in violation of the student's privacy rights, the District shall inform the parent/guardian or adult student of the right to place a statement commenting

upon the information in the education records and/or describing reasons for disagreeing with the decision of the hearing officer.

Complaints Regarding Alleged Noncompliance with Federal Requirements

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

Annual Notice

1. Parents/guardians and adult students shall be notified annually of the following:
 - a. Their rights to inspect, review, and obtain copies of student records;
 - b. Their rights to request the amendment of the student's school records if they believe the records are inaccurate, misleading or otherwise in violation of the student's rights of privacy;
 - c. 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;
 - d. The categories of student record information which have been designated as directory data and their right to deny the release of such information (see Policy JOA); and (5) their right to file a complaint with the Family Policy compliance office of the U.S. Department of Education.
2. The annual notice must also include:
 - a. The procedure to exercise the right to inspect and review education records
 - b. The procedure for requesting amendment of education records
 - c. How the school district has defined a school official (who will be allowed access to education records) and what constitutes a legitimate educational interest.
3. Parents/guardians 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 the military recruiters or institutions of higher education without prior written parental consent.
4. The notice shall be distributed to parents/guardians and adult students at the beginning of each school year. When a student transfers into the District after the above notice has been given, the student and his/her parent(s)/guardians(s) shall receive a copy of the notice at the time and place of enrollment.

Student Records for Students with Disabilities

1. Under federal law, recipients of federal funds must maintain certain records for financial or program audit purposes. These records include a child's IEP Team evaluation reports, IEPs and placement notices.
 - a. The records must be kept for the current fiscal year plus four more years.
 - b. Parents or guardians of a child with a disability will be informed when personally identifiable information is no longer needed to provide educational services to the

- child at the time the child graduates or otherwise ceases to be enrolled in the school district.
- c. Wisconsin Statutes require that records may be maintained for only one year after the child graduates or otherwise ceases to be enrolled, unless the parent or adult pupil specifies in writing that the records may be maintained for a longer period of time.
 - d. No prior consent from the parent or guardian is required before the child's pupil records are disclosed directly or re-disclosed through a school district's attorney to a due process hearing officer in the course of the school district's presentation of evidence at the due process hearing.
 - e. Parents or guardians are permitted to record IEP meetings for participatory purposes.
 - 1.) The district must be notified verbally or in writing prior to the meeting.
 - 2.) If the parent or guardian chooses to tape record, the district will also record the meeting.
 - 3.) A copy of the recording will be retained as part of the pupil's confidential record.
 - 4.) Tape recording without knowledge of school staff is not permitted at any time.
2. The District is responsible for the protection of the confidentiality of information from pupil records of children with disabilities.
- a. The Director of Pupil Services will assume responsibility for ensuring the confidentiality of pupil records at the collection, storage, disclosure, and destruction stages.
 - b. All employees collecting or using information from pupil records must receive training regarding policies and procedures relating to pupil records.
 - c. A listing of names and positions of employees who may have access to pupil records will be maintained for public inspection.
3. Parents or guardians of children with disabilities have rights to access pupil records.
- a. A parent must, upon request, be shown and provided with a copy of pupil records.
 - b. The parent has a right to have a representative inspect and review the records.
 - c. The district will comply with a parent or guardian request for access to records without unnecessary delay and before any meeting regarding an individualized education program (IEP) or a hearing within 45 days.
 - d. Pupil records may not be destroyed if there is an outstanding request to inspect and review pupil records.
 - e. If any pupil record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their child or to be informed of that specific information.
 - f. The parent has the authority to inspect and review records relating to his or her child unless the school has been advised that the parent does not have the authority under state law.
 - g. The parents on request will be provided a list of the type and locations of pupil records collected, maintained, or used by the school district.
4. The District must publish notices.
- a. At least annually and before any major child-find (screening) activity, parents or guardians must be notified of their rights with regard to pupil records as part of a special education screening notice.

- b. Notices must be given in the native language of the various population groups in the school district and may be given through such means as public announcements, written notices, or paid advertisements.
- c. The notice must include a:
 - 1.) Statement of the school district's duty to identify, locate, and evaluate all resident children with disabilities, regardless of the severity of their disability.
 - 2.) Description of the extent to which the notice is given in the native languages of the various population groups in the district.
 - 3.) Description of the children on whom personally identifiable information is maintained, the type of information sought through child find activities, the methods the school district intends to use to gather the information (including the sources from whom information is gathered), and the uses to be made of the information.
 - 4.) Summary of the policies and procedures the district follows regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information.
 - 5.) Description of all of the rights of parents and children regarding pupil records, including their rights under state and federal law, including the Family Educational Rights and Privacy Act (FERPA).
 - 6.) The educational opportunities available in the community for children with disabilities [34 CFR 300.561].

Legal References: Wis. Statutes Section 48.067
 118.125 (Pupil Records)
 118.126 (Privileged Communications)
 118.127 (Law Enforcement Agency Information)
 118.51(8) (Open Enrollment-Disciplinary Records)
 118.52(10) (Part-Time Open Enrollment)
 146.81-146.84 (Health Care Records)
 252.15 (Restrictions on the Use of a Test for HIV)
 34 CFR 300.561, 562, 564, & 565
 938.342(1r) (Truancy and Dropout Ord. Violations)
 938.396 (Permanency Planning-Records)
 Family Educational Rights and Privacy Act (FERPA)
 No Child Left Behind Act of 2001
 USA Patriot Act

Cross Reference: JECBB Public School Open Enrollment Policy
 JHC Emergency Nursing Services Policy
 JOA Student Directory Information Policy

Approved: June 18, 1979

Revised: November 19, 2007