

STUDENTS

Student Records

The need for regulations governing the collections, maintenance and dissemination of student records is recognized by the Board of Education. The Assistant Superintendent, Curriculum, Instruction & Pupil Services shall be the administrator responsible for this area and will report to the Superintendent regarding the maintenance of student record systems in the school district.

Definitions

1. Student Records: All records relating to individual students maintained by an elementary, middle or high school but does not include notes or records maintained for personal use by a teacher or other person who is required by the department under s.115.28(7) to hold a certificate, license or permit if such records and notes are not available to others nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a student.
2. Behavioral Records: Those student records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, tests relating individual achievement or measurement of ability, the student's physical health records other than his/her immunization record, law enforcement records, and any other student records which are not progress records.
3. Progress Records: Those student records which include the student's grades, a statement of the courses the student has taken, performance data from standardized group test(s), the student's attendance record, records of the student's school extracurricular activities, and immunization records.
4. Student Physical Health Records: Those student records which include basic health information about a student, including 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 as determined by the State Superintendent of Public Instruction.
5. Student Patient Health Care Records: Those student records which include all records relating to the physical health of a student that are not included in the "student physical health records" definition above.
6. Law Enforcement Records: Those student 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 district, (b) the illegal possession of a dangerous weapon by a child, and (c) the act for which a juvenile enrolled in the district was adjudged delinquent. Such records may only be obtained from the law enforcement agency upon request of the Superintendent. Once the records are received, the student named in the records and the parent of any minor student named in the records shall be notified of the information
7. Court Records: Those student records received from a court clerk concerning a juvenile enrolled in the 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.
8. Directory Data: Those student records which include the student's name, parent's names, present address, current grade, date and place of birth, participation in officially recognized activities and sports, weight and height of members of high school athletic teams, dates of attendance, student photographs, degrees and awards received, and the name of the school most recently previously attended by the student. Military recruiters or an institution of higher education may have access to secondary school students' names, addresses and telephone listings.
9. Parent: Includes a parent or a legal guardian or guardian ad litem.

10. Adult Student: A student who has reached the age of eighteen, or is in full-time attendance at an institution of post-secondary education. The student has the rights accorded to the parent.
11. Student: Any individual less than eighteen years of age for whom an educational agency or institution maintains student records.
12. Students with Exceptional Educational Needs: Students who have been evaluated by a multidisciplinary team, and are receiving special education services as recommended by that team and approved by the parent.

Collection and Maintenance of Data

Student records are to be collected and kept on a student from the date of entry in the district, and maintained in compliance with federal and state laws.

1. Progress Records: At the elementary level progress records are on file with the principal. At the secondary level, these records are kept in the guidance and counseling office at the Junior High and Senior High schools. When a student finishes the high school experience, the permanent record card is microfilmed and kept indefinitely at both the high school and at the Central Office. For students who transfers out of the district, progress records may be maintained for five (5) years after a student ceases to be enrolled in the district.
2. Behavioral Records: The behavioral record shall be kept with the Assistant Superintendent, Curriculum, Instruction & Technology. The behavioral record is destroyed one year after the student graduates from school, with the exception of records for students with exceptional education needs which are kept until the student reaches the age of 21. A parent or an adult student can request in writing that behavioral records be kept beyond the one year after graduation. Behavioral records of students that drop out of school may kept for one year after they have withdrawn, unless the parent or adult student requests in writing that they be kept longer. Behavioral records are kept in several locations as identified below.
 - a. Teacher comments, personality evaluations, standardized achievement test scores, teacher prepared test scores, and progress reports are kept in the cumulative folder for each student. The cumulative folder is kept in the teacher's care at the elementary schools, and in the guidance and counseling office at the junior and senior high schools.
 - b. Individual evaluation reports are kept in a separate file in the principal's or guidance and counseling office in all district schools.
 - c. Health records are kept in a separate binding and are located in the principal's office in the elementary schools, and in the nurse's office at the junior and senior high schools.
 - d. Original behavioral records shall be kept on file with the Assistant Superintendent, Curriculum, Instruction & Technology. A partial copy of behavioral records may be kept in a separate file in the principal's office or the guidance and counseling office.
 - e. Personal notes made by administrative staff to record disciplinary actions are not a part of student records when developed by the individual for that person's use only. These personal notes may be used to substantiate disciplinary activities when formal proceedings are needed. These personal notes are not to be disclosed as a part of student records.
3. Directory Information: These records are assembled by the building principal and kept in several places within each facility.

Confidentiality of and Dissemination of Data

1. Confidentiality: All student records relating to an individual student maintained by the school shall be confidential except as otherwise provided by state and federal law and these procedures.
2. Directory Data: Once every calendar year, the Assistant Superintendent, Curriculum, Instruction & Technology will see that a notice is published listing the type of records that are considered "Directory Data". Principals will publish a brief directory data notice in their school newsletters which will include information on how to obtain a copy of the student records notice. After the parents or adult students have been notified, they will have two (2) weeks to advise the school

district in writing of any or all of the items they refuse to permit the district to designate as "Directory Data" about that specific student.

3. Right to Inspect Student Records and Receive Copies: Any parent or adult student will be given an opportunity to inspect the student's records within a reasonable time after the request and not to exceed 45 days from the date of the request. Minor students have the right to inspect progress records only. Initial copies of student records will be provided on request at no cost and within a reasonable time period after inspection. Additional copies may be provided at a cost of 15 cents per page. Copies of student records at the elementary levels will be made at Central Office. The following restrictions apply to the inspection of student records.
- a. Once a student has attained the age of 18, the consent required of and the rights accorded to the parent or guardian of the student while a minor, shall thereafter only be required of and accorded to the adult student.
 - b. A parent or adult student on request may be allowed to inspect the behavioral records only in the presence of a person qualified to explain and interpret the records. A minor student may take part in this inspection as long as the parent is present.
 - c. The inspection of progress records by the parent(s), minor student, or adult student must take place in the presence of a designated school employee.
 - d. A parent regardless of whether the parent has legal custody of the child shall have access to a child's medical, dental, and school records unless the parent has been denied access to such records as outlined by state law (e.g., denied periods of physical placement with the child, ordered by the court).
 - e. Personally identifiable information from an adult student's records may be disclosed to the student's parent, without the adult student's written consent, if the adult student is a dependent of his/her parent 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.

4. Right to Challenge Contents of Student Records: An adult student or parent of a minor student may request in writing that the principal amend the student's record if they believe the record is inaccurate, misleading, or a violation of the student's rights of privacy. The adult student or parent shall attempt to resolve conflicts with the principal. An adult student or parent may provide the superintendent a written request for a hearing to challenge the content of both progress and behavioral records. This requirement is to ensure that the student records are not inaccurate, misleading or otherwise in violation of the privacy of the student. The purpose of the hearing is to provide an opportunity for the correction or deletion of any inaccurate, misleading or otherwise inappropriate data, and to insert into these records a written explanation of the adult student or parent inspection of the content of such records, if they elect to do so. The right to a hearing does not extend to permit a parent or adult student to contest the grade given the student's performance in a course.

The procedures to be followed in a formal hearing are as follows:

- a. The hearing will be conducted and concluded within a reasonable period of time following the request.
 - b. The hearing will be conducted and the decision rendered by a school official or other party who does not have a direct interest in the outcome.
 - c. The parent or student will be afforded a full and fair opportunity to present evidence relevant to the issue of the accuracy of the content of the student records.
 - d. The decision following the hearing will be made in writing within a reasonable period of time after the conclusion of the hearing.
5. Disclosure of Record Contents and Release of Information: All student records maintained by the school are confidential except as otherwise specifically provided. The only exceptions for disclosing the contents of student records are as follows:
- a. The records shall be made available to school officials determined to have legitimate educational or safety interests in the records. A "school official" is a person employed by the district who is required by the Department of Public Instruction to hold a license; a person 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 or company with whom the district has contracted to perform a specific task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student 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 or safety interest" if the official needs to review a student record in order to fulfill his/her professional or district responsibility.

- b. Law enforcement AOD records obtained by the district must be made available to district employees designated to provide alcohol and other drug abuse (AODA) treatment 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.
- Law enforcement weapons possession records obtained by the district that relate to a district student may be made available to school officials determined to have legitimate educational interests, including safety interests, in the information. The information may not be used as the sole basis for suspending or expelling a student from school.
- Law enforcement weapons possession records obtained by the district that relate to a person who is not a district student may be made available to school officials determined to have legitimate safety interests in the information.
- Law enforcement delinquency-related records obtained by the district must be made available to school officials determined to have legitimate educational interests, including 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.
- c. Court records obtained by the district must be disclosed to district employees who work directly with the 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.
- d. The school district will transfer student records to another school district within five (5) working days of receipt of notice. Student records relating to a specific student shall be transferred to another school or school district upon receipt of written notice from: (a) an adult student, or the parent of a minor student, that the student intends to enroll in the other school or school district, (b) another school or school district that the student has enrolled, or (c) a court that a student has been placed in a juvenile correctional facility or secured child caring institution.
- e. The judge of any court of this state or of the United States shall, upon request, be provided by the school district clerk or designee with a copy of all student records of a student who is the subject of any proceeding in such court.
- f. Student records shall be provided to a court in response to a subpoena by parties to an action, or in compliance with a judicial order, upon condition that the parents and the student are notified of all such orders or subpoenas in advance of compliance with them by the school or school district. They can be used only for purposes of impeachment of a witness who has testified.
- g. Federal, state and local officials or authorities will be provided such student records where information is specifically required to be reported or disclosed pursuant to state or federal law. If school attendance is a condition of a student's dispositional order under section 48.355(2) or 938.358(2), the Board shall notify the county department that is responsible for supervising the student within five days after any violation of the condition by the student.

A law enforcement agency shall be provided a copy of a student's attendance records 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.

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.

Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.

Upon request, the Board Clerk shall provide the names of students who have withdrawn from school prior to graduation 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 46.215, 46.22, or 46.23 of the state statutes.

A student's records shall be disclosed in compliance with a court order under Wisconsin's delinquency statutes after a reasonable effort has been made to notify the student's parent/guardian.

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 51.437 (community mental health, development disabilities, alcoholism, and drug abuse).

All student patient health care records shall remain confidential. They may be released only to persons specifically designated by state law or to other persons with the informed consent of the patient or a person authorized by the patient.

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 only with the informed written consent of the test subject.

- h. Student records may be used in connection with the suspension or expulsion of the student, or in the multidisciplinary evaluation of the student as required by the Federal and State special education laws.
- i. Directory data may be disclosed to any person when the school district has met the notice requirements listed in this policy:
 1. Requests for directory data are to be addressed to the principal of the building, or the Superintendent, who will delegate the release of directory data.
 2. Except as expressly provided otherwise, any person may examine or copy any of the items mentioned in the definition of directory data.
 3. The person examining the record must do so with proper care and during normal office hours, and must be subject to such orders or regulations as the custodian of the records prescribes.
 4. Any person may, at his/her own expense and under such reasonable regulations as the custodian prescribes, copy or duplicate any materials, including, but not limited to blueprints, slides, photographs and drawings that are part of directory data.
- j. If the district has followed the notification procedure, and the parent or adult student does not object to the directory data being released, the Board 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 district board.

If the district has followed the notification procedure, and the parent or adult student does not object to the directory data being released, the Board Clerk shall, upon request, provide any representative of a law enforcement agency, district attorney or corporate counsel, county department under sections 46.215, 46.22, or 46.23, a court of record or municipal

court with such directory data information relating to any such student enrolled in the 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 district.

6. Parental Request to Release Records to Another Party: Where there is written consent from the parent or adult student providing the following information:
- a. The specific records which are authorized to be released.
 - b. The reasons for such release.
 - c. The parties or persons to whom the information shall be released.

A copy of the records to be released pursuant to written consent of the parent or adult student must be provided to the parent or adult student if requested.

7. Record of Access: A recording log will be kept with the student records of each student which will indicate all individuals, agencies or organizations gaining access to the records, and indicate specifically the legitimate interest that each such person, agency or institution has in obtaining student records information. The record of access should show the date of access, reason for access and the name of the party receiving access.

This record of access shall be available to adult students, parents, and the school officials and their assistants who are responsible for the custody of such records along with any persons authorized to audit the operation of the system. Records of access do not have to be maintained when the request is from or the disclosure is to the following person/party: the parent or adult students; a school official; a party with written consent from the parent or 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.

A parent or adult student requesting release of third-party records shall provide written consent prior to release.

Notice of Rights Regarding Student Records

At the time rules are adopted, the Assistant Superintendent, Curriculum, Instruction & Technology shall publish a Class 1 notice of the rules adopted by the school board.

Parties Responsible for Student Records

The building principal shall have primary responsibility for maintaining the confidentiality of all student records kept at the school. All requests for inspection of records, transfer of or release of records shall be directed to the building principal or his/her designee who will then determine whether inspection or transfer or release of records is permitted under this policy. The building principal or the designee shall be present to interpret student records. Upon transfer of student records to the central administrative office, these duties shall be assumed by the Superintendent or his/her designee.

LEGAL REFERENCE:

Family Education and Privacy Act, 20 U.S.C. Sec. 1232g, 45C.F.R. Sec. 99.
 Sec. 118.125, Wis. Stats, as amended by Chapter 273 laws of 1981
 Sec. 115.85(4), 118.127, 146.81-146.84, 252.15, 767.24(4), and 938.396 – Wis. Stats.
 Elementary and Secondary School Act (ESEA), Section 9528 (2001)

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