**WALWORTH 347**

**ADMINISTRATIVE REGULATIONS**

**STUDENT RECORDS**

**GUIDELINES FOR THE MAINTENANCE AND CONFIDENTIALITY OF STUDENT RECORDS**

1. Definitions

a. "Student records" include all records relating to an individual student, regardless

of format, other than (1) notes or records maintained for personal use by teachers or other certified personnel which are not available to others, and (2) records necessary for and available only to persons involved in the psychological treatment of a student.

b. "Progress records" include a statement of courses taken by the student, the

student's grades, the student's immunization records, the student's attendance record and records of the student's extracurricular activities.

c. "Behavioral records" include standardized achievement tests, 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, student physical health records other than his/her immunization records, law enforcement records and any other student records which are not progress records.

1. "Law enforcement records" include those records and other information

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, (c) 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 certain specified laws, and (d) 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 or designee, subject to the agency's official policy. Once the record information is received, the student named in the records and the parent/guardian of any minor student named in the records shall be notified of the information.

1. "Court records" include those 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.

d. "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, 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.

e. "Student Patient Records" include all those records relating to a student's physical

health except those included in the "student physical health records" definition above.

f. "Directory information" includes those student records which identify 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.

2. Confidentiality

1. Access to Student Progress and Behavioral Records - All student progress and

Behavioral records maintained by the School District shall be confidential with access limited to the conditions stipulated below:

1. Upon request, a student or the parent/guardian of a minor student shall be

shown and provided with a copy of the student's progress records.

(2) Upon request, an adult student or the parent/guardian of a minor student shall be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records.

(3) The judge of any court of Wisconsin or of the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in such court. The District shall make a reasonable effort to notify the parent/guardian or adult student of the order in advance of compliance therewith, except as otherwise provided by law.

(4) Student records shall be made available to school officials who have been determined by the Board to have legitimate educational interests, including safety interests, 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-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 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 interest" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.

(a) Law enforcement records 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 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 athletic code.

(b) 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.

(5) 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 permission form.

(6) 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 any witness 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.

(7) Information required by law may be provided the DPI or any public officer. 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.

(8) Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the individualized education program team (IEP) in accordance with state and federal law.

(9) The district board of the technical college in which the school is located, the Department of Health and Family Services, the Department of Workforce Development or a county department verifying eligibility for public assistance, shall, upon request, be provided with the names of students who have withdrawn from the school prior to graduation.

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

(11) Personally identifiable information from the student records of an adult student may be disclosed to the parent of the adult student without the written consent of the adult student if the adult student is a dependent of his/her parent for tax purposes (under the Federal Internal Revenue Code, 26 USC). This may be done unless the adult student has informed the school, in writing, that the information may not be disclosed.

(12) A student's records shall be disclosed in compliance with a court order under s.48.236(4)(a), 48.345(12)(b), 938.34(7d)(b), 938.396(1m)(c) or (d) or 938.78(2)(b)2 after a reasonable effort has been made to notify the student's parent/guardian.

(13) The District shall provide to the court, in response to a court order, the names of all persons known by the District to be dropouts and who reside within the county in which the circuit court or the municipality court is located.

(14) 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).

(15) If school attendance is a condition of a student's dispositional order under sections 48.355(2)(b)7 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.

(16) 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.

(17) 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 for arson, (2) the student's attendance record is necessary for the fire investigator to pursue his/her investigation, and (3) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.

(18) 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 record 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.

b. Access to Directory Information - Except as otherwise provided below, directory

information may be disclosed to any person after the school has: (1) notified the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory information 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 information may not be released without their prior consent, and (3) has allowed 14 days for the parent, legal guardian or guardian ad litem of any student to inform the school, in writing, that all or any part of the directory information may not be released. At the end of this two-week period, each student's records will be appropriately marked by the records custodian(s) to indicate items the District will designate as directory information about the student. This designation will remain in effect until it is modified by the written direction of the student's parent, guardian or guardian ad litem.

(1) The custodian of student records shall not release directory information to any person or company to be used for commercial or business purposes.

1. If the District has followed the notification procedure outlined above, and the parent, legal guardian or guardian ad litem does not object to the

directory information 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 board.

1. If the District has followed the notification procedure outlined above, and the parent, legal guardian or guardian ad litem does not object to the directory information being released, the Board Clerk shall, upon request, provide any representative of 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, a court of record or municipal court with such directory 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.

c. Access to Student Patient Records - All student patient 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 records maintained by the District may only be released without informed consent to a District employee or agent if any of the following apply:

(1) The employee or agent has responsibility for the preparation or storage of patient health records.

(2) Access to patient health 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 only with the informed written consent of the test subject.

3. Maintenance of Records

a. Except as otherwise specifically provided, all student records will be kept in one file in the school building in which the student is enrolled. This file will be kept in a locked file or drawer under the control of the building principal. Law enforcement and student patient records shall be maintained separately from a student's other records.

b. Copies of records of any student referred for a suspected disability will be maintained in the Pupil Services Office in addition to the school file. Copies of all student physical health records will also be maintained at the Pupil Services Office.

c. Requests for access to, or copies of, student records will be referred to the building principal for action. Student records shall only be released to the extent authorized by law.

d. A record of each request for access to and each disclosure of personally identifiable information from a student's school records shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:

(1) the parent/guardian or adult student;

(2) a school official;

(3) a party with written consent from the parent/guardian or adult student;

(4) a party seeking directory information; or

(5) 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.

e. Records of students who cease to be enrolled shall be maintained per the Wisconsin Records Retention Schedule for School Districts (January, 1990, attached).

4. Amendment of Records

a. A parent/guardian or adult student who believes that the school records collected, maintained or used are inaccurate, misleading, or otherwise in violation of the privacy rights of the student may request the District to amend the records. The District will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

b. If the District decides to refuse to amend the information in accordance with the request, it will inform the parent/guardian or adult student of the refusal and advise him/her of the right to a hearing before the Board of Education. On request, the District shall provide an opportunity for a hearing to challenge information in school records to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy rights of the student.

c. If, as a result of the hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the information accordingly and so inform the parent/guardian or adult student in writing.

d. If, as a result of the hearing, the District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent/guardian or adult 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 District.

The District shall require that any explanation placed in the records of a student be maintained by the District as part of the records as long as the record or contested portion is maintained by the District. If the records of the student, or the contested portion are disclosed by the District to any party, the explanation shall also be disclosed to that party.

5. Transfer of Records

All 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/guardian of a minor student, that the student intends to enroll in the other school or school district;

b. the other school or school district that the student has enrolled, or,

c. a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.

6. 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).

7. Annual Public Notice

Parents/guardians and 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 or misleading; (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 information and their right to deny the release of such information; and, (e) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education. This notice shall be published in the District's official newspaper within three weeks of the school year. It shall also be published annually in District student-parent handbooks.

For students enrolling in the District after the above notice has been given, the notice will be given to the student and his/her parent/guardian at the time and place of enrollment.