

INSTRUCTION

EDUCATIONAL PROGRAMS STUDENT RECORDS

ADMINISTRATION OF STUDENT RECORDS

347.1

Definitions

- a. Student Records includes all records relating to individual students, regardless of format, other than notes or records maintained for personal use by teachers or other certified personnel which are not available to others, and records necessary for an available to persons involved in the psychological treatment of a student.
- b. Progress Records include a statement of courses taken, grades awarded therein, the student's extracurricular activities, the student's immunization records, the student's attendance records, and lead screening records required under Wisconsin Statute.
- c. Behavioral Records 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, student physical health records other than immunization records, law enforcement agency records that are not progress records.
 - 1) Law Enforcement Records include those records 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 into custody based on the law enforcement officer's belief that he/she violated or was violating certain specific 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 upon request of the superintendent or designee, subject to the agency's official policy. Upon receipt of the records, the superintendent shall inform the student named in the records and the parent/guardian of a minor student named in the records of the information.
 - 2) 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.
- 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 medicines 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. Directory Data: The following information is designated in the District as directory data and may be released upon request in accordance with law and District procedures: student's name, present address, telephone listing, current grade, participation in officially recognized activities and sports, weight & height of athletic teams, dates of attendance, photographs, degrees, and awards.

Confidentiality

Individuals collecting or using personally identifiable information in the district will receive training or instruction regarding security and state and federal confidentiality requirements.

All student progress and behavioral records are confidential, with the following exceptions:

- a. A student, or parent/guardian of a minor student, shall upon request, be shown and provided with a copy of the student's progress records.
- b. An adult student, or the parent/guardian of a minor student, shall upon request, be shown in the presence of a person qualified to explain and interpret the records, the student's behavioral records. Such student or parent/guardian shall upon request be provided with a copy of the behavioral record.
- c. The judge of any court of this state or of the United States shall upon request by the Board Clerk or designee, 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 therewiths, except as otherwise provided by law.
- d. If school attendance is a condition of a student's dispositional order under section 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 condition by the student.
- e. 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.
- f. 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 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.
- g. Student records shall be made available to school district 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 responsibilities.
 1. Law enforcement records 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 student's enrollment in the district. The information may not be used as a 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.

2. 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.
- h. Upon the written permission of an adult student, or the parents or 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 the 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 or guardian of a minor student in the written permission form.
- i. 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 of their attorneys if said records would be relevant and materials 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 when otherwise provided by law.
- j. The Board may provide the DPI or any public officer with any information required under Chapters 115 or 121 of the state statutes. 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 reported shall be handled by the DPI in accordance with state law requirements.
- k. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the IEP team under state and federal law.
- l. Information from a student's immunization record shall be made available to state and local health officials to carry out immunization requirements.
- m. The Board Clerk or his/her designee shall, upon request, provided the board of a technical college district in which the school is located, or, for verification of eligibility for public assistance, the department of health and family services, the Department of Workforce Development, or a county department with the names of students who have withdrawn from school prior to graduation.
- n. Except as otherwise provided below, directory data may be disclosed to any person, if the school has (a) notified the parent, legal guardian ad litem of the categories of information which it has designated as directory data, (b) 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, or (c) allowed 14 days for the parent, legal guardian, or guardian ad litem of any student to inform the school that all or any part of the directory data may not be released. Requests to withhold directory data should be directed to the superintendent.
 1. Video and Recording Production Guidelines. If the district has followed notification procedures outlined above, and the parent, legal guardian, or guardian ad litem does not object to their child(ren)'s participation in the Pittsville School District's video production programs, prior parental permission for students to appear in production programs shall not be required for any activity which the public is normally expected or is encouraged to attend (e.g. concerts, plays, athletic events, graduation programs).

As indicated above, students will participate unless the parents or guardians have notified, within the 14 days, to inform the school that they do not want their child(ren) participating

2. 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 data being released, technical college boards must be provided, upon request, with the name and address of each student who is expected to graduate from high school in the current school year.
 3. 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 data being released, the Board Clerk or his/her designee shall, upon request, provide any representative of a law enforcement agency, city attorney, district attorney, or corporation counsel, county department under section 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 district or 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.
 4. Directory data shall not be released for commercial or promotional purposes. "Commercial" shall be defined as the intent or design to make a financial profit or gain. "Promotional" shall be defined as contributing to the growth or prosperity of the party making the request.
 5. Directory data may be released to organizations such as colleges and universities, technical colleges, and armed forces recruiters when the request is for educational or career opportunity purposes.
 6. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to military recruiters or institutions of higher education without prior written parental consent. Requests of this nature will be honored by our district.
- o. The Board may disclose personally identifiable information from an adult student's records to the student's parent(s) or guardian, without the adult student's written consent, if the adult student is a dependent of his/her parent(s) or guardian 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.
 - p. The Board shall disclose a student's records in compliance with a court order under Wisconsin's delinquency laws after making a reasonable effort to notify the student's parent or guardian.
 - q. The Board shall, on or before August 15 of each year, report to the appropriate county departments under section 51.42 and 51.437 the names of students who reside in the district, are at least 16 years of age, are not expected to be enrolled in an educational program two years from the date of the report, and who may require services under section 51.42 and 51.437 (community mental health, development disabilities, alcoholism and drug abuse).
 - r. Student patient health care records may be released only to persons specifically designated to 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 he/she is responsible for the preparation or storage of such records or access to such records is necessary to comply with a state or federal law requirement. Any immunodeficiency virus (HIV) shall be confidential and may be disclosed only with the informed written consent of the test subject.
 - s. 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:
 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.
- t. In response to a court order, the district shall provide to the court the names of all persons known by the district to be dropouts and who reside within the county in which the circuit court is located or the municipality in which the municipal court is located.

Parent Access to Records

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).

Amendment of Records at Parent’s/Guardian’s Request

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. Within a reasonable time after receiving the request, the district shall decide whether to amend the records in accordance with the request and inform the parent/guardian or adult student of the decision.

If the district refuses to amend the records, it shall inform the parent/guardian or adult student of the refusal and advise him/her of the right to a hearing. A hearing shall be held if requested by the parent/guardian or adult student.

The parent/guardian or adult student shall be informed of the decision within a reasonable period of time after the hearing. If the district 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. If the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the parent/guardian or adult student shall be informed 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 district. The explanation shall be maintained 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 to any party, the explanation shall also be disclosed to that party.

Transfer of Student Records

Progress and behavioral records relating to a specific student shall be transferred to another school or school district as follows:

- a. upon written notification from an adult student or the parent/guardian of a minor student that the student intends to enroll in a school in another district;
- b. upon written notification from the other school district that the student has enrolled; or
- c. upon written notification from a court a student has been placed in a juvenile correctional facility or secured group home.

Cross Reference: Employee Handbook

Adopted: August 11, 2003

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