

347 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 the 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 the release of records without such prior approval.

Building principals shall have primary responsibility for the collection, maintenance, and dissemination of student records following state and federal laws and established District guidelines.

Student records are defined as all records relating to an individual student 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 and available only to persons involved in the psychological treatment of a student.

Types of Student Records

- **Progress Records:** Those student records, which include the student's grades, a statement of the courses the student has taken, the student's attendance record, and records of the student's school extracurricular activities and immunization records. The form used for recording this information shall be referred to as the "Permanent Record."
- **Behavioral Records:** Those student records, which include standardized achievement tests, mental maturity tests, personality evaluations, evaluations for educational needs, student physical health records other than immunization records, teacher evaluations other than grades, statements relating to individual student behavior, and law enforcement records and any other student records that are not progress records.

The primary purposes of behavioral records are to:

- Serve as a tool for guidance and counseling.
- Provide an educational history of the student.
- Facilitate changes in a student between classes, grades, and schools.
- Improve communications regarding the welfare of the student.

- Law Enforcement Records: 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 (AOD) 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 specified 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 at 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.
- Court Records: 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.
- Health Records: 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.)
- Patient Health Care Records: 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.
- Directory Information: The Williams Bay School District designates the following personally identifiable information contained in a student's education record as "Directory Information," and may disclose that information without prior written consent.
 - The student's name.
 - The student's address.
 - The student's telephone listing.
 - The student's date and place of birth.
 - The student's major field of study.
 - The student's participation in officially recognized activities and sports.
 - The student's weight and height if a member of an athletic team.
 - The student's dates of attendance.
 - The student's photograph.
 - The student's degrees and awards.
 - The name of the school most recently attended by the student.

Confidentiality of Student Records

- Progress and Behavioral Records: Progress and behavioral records are confidential, with the following exceptions only:
 - A student, or the parent/guardian of a minor student, shall upon request be shown and/or be provided with a copy of the student's progress records.
 - An adult student, or the parent or 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 same. Such student or parent/guardian shall upon request be provided with a copy of the records.
 - The judge of any court of this state or the United States, shall upon request be provided by the School District Clerk 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.
 - 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 to fulfill his/her professional or District responsibility.
 - 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 to provide 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.

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.

- Upon written permission of an adult student, or the parent or guardian of a minor student, the school shall make available to the person named in the permission form the student's progress records and/or such portions 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.
- 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 over said records, or parts thereof, to parties in the action, or their attorneys, if said record 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 when otherwise provided by law.
- The School Board may provide the Department of Public Instruction, or a public officer, with any information required under Chapters 115 to 121. 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 students' immunization records shall be made available to state and local health officials to carry out the purposes of Section 140.05(16) Student Immunizations.
- Upon request, the Board Clerk or designee shall provide the names of students who have withdrawn from school before 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.
- If school attendance is a condition of a student's dispositional order under section 48.355(2)(b) 7 or 938.355(2)(b)7, 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 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.
- 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 to pursue that investigation.
- 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.
- 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 or the municipal court is located.
- 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). The parent(s)/guardian of such students shall be contacted to obtain informed consent before making such a report.
- 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.

- 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 copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student.
 - A written explanation of the reasons for the expulsion or pending disciplinary proceedings.
 - The length of the term of the expulsion or the possible outcomes of the pending disciplinary proceedings.

Directory Data

Directory data shall be considered public information provided this procedure has been followed:

1. Within the first three weeks of each school year, the School District shall notify the parent or legal guardian of the categories of information designated as directory information and inform such persons 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. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.
2. After the parents or eligible students have been notified, they will have 14 days to advise the School District in writing (a letter to the District Administrator's office) of any or all the items they refuse to permit the District to designate as directory information about that student.
3. At the end of the 14 days, each student's records will be marked appropriately to indicate the 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 or the eligible student.

If the District has followed the notification procedure outlined above, and the parent/guardian or adult student does not object to the directory data being released, the Board Clerk or designee 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 outlined above, and the parent/guardian or adult student does not object to the directory data being released, the Board Clerk or designee shall, upon request, provide 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 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.

The District shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings. A secondary school student or the parent/guardian of a student may request that the student's name, address, and telephone listing not be released to military recruiters or an institution of higher education without prior written parental consent. The District shall notify parents/guardians of the option to make a request and shall comply with any request. The District shall provide military recruiters the same access to secondary school students and student directory data about such students as is provided to post-secondary schools or prospective employers.

The District shall not collect, disclose, or use personal information about students (student or parent's first and last name, address or telephone number or Social Security number) for marketing or selling that information, or providing that information to others for that purpose.

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:

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

Hearing Procedures

Parents/adult students may request the District to amend a record they believe is inaccurate, misleading, or in violation of the student's rights of privacy. The District will decide whether to amend the record within a reasonable time after the request. If the District decides not to amend the record as requested, it will inform the parent/adult student of its decision and his/her right to a hearing.

An adult student, or the parent/guardian of a minor student, shall have an opportunity for a hearing before the custodian of such student's records to challenge the content of progress or behavioral records. The purpose of the hearing shall be to provide an opportunity for the correction or deletion of information from the student's records that are inaccurate, misleading, or otherwise in violation of the student's rights of privacy.

Dual Custodianship of Student Records – Students with a Disability

Record keeping for students with a disability shall be the dual responsibility of the School District designee and the personnel as designated by Walworth County Children with Disabilities Education Board policy, which responsibility shall include the collection, maintenance, storage, and security of student progress/behavioral records.

Parent/Guardian Rights and Responsibilities

- **Progress Records:** Parents have certain rights and responsibilities for involvement in the progress records (Permanent Record). The parents should be made aware of the information that is recorded on the Permanent Record and the fact that they have access to this record at any time. Certain parts of the Permanent Record may need interpretation, which will be the responsibility of the building principal in the elementary school, and the guidance counselor in the middle-senior high schools. The parents shall also have the right to a copy of the Permanent Record upon request. Parents should be made aware of the fact that the School District will not release any such records to any non-school person or agency unless a parental written request is provided, or the District is authorized to release such information by law. In this sense, the term “parents” shall also include legal guardians and/or adult students.
- **Behavioral Records:** Parents should be made aware of their rights concerning the accessibility of data within the student’s behavioral records and that such records are considered confidential and will not be released to other parties unless parents provide written consent for such release, or unless the law authorizes such release without parental consent. Any notes from parents may be placed with the Behavioral Records, at the discretion of the teacher or the building principal.
- **Directory Information:** Directory Data Section

Student Rights and Responsibilities

- **Progress Records:** All students should be made aware that it is their right to have access to the Permanent Record and, upon request, to have a copy of the record. In their final semester before graduation, all students should be made aware of the fact that the permanent record will be kept on file when they leave school and may be forwarded to another agency at the request of their parents, legal guardians, or themselves if they are adults.
- **Behavioral Records:** Students approaching their final semester before graduation, and/or senior high students dropping out of school, should be made aware of the behavioral records included in the cumulative folders and the fact that they may permit the storage of any or all of such records for a period of time, as specified in the permission or as long as district need requires, upon leaving the district, via written request by parent, guardian or themselves if they are adult students.
- **Directory Information:** Directory Data Section

Security of Student Records

- **Progress Records:** Security of the progress records (Permanent Record) is the responsibility of the building principal or his/her designee. These records will be kept in a secure place when not in use. The Permanent Record may not be removed from the building where the student is attending at any time unless the student transfers or records are subpoenaed and/or requested via court order.
- **Behavioral Records:** Security of the behavioral records is the responsibility of the building principal or his/her designee. Records will be kept in a secure place when not in use. The behavioral records may not be removed from the building where the student is attending at any time unless the student transfers or records are subpoenaed and/or requested via court order.
- **Directory Information:** Security of directory information is the responsibility of the building principal or his/her designee.

Transfer of Student Records

- **Progress Records:** As a student moves from the elementary level to the middle school level, the Permanent Record will be taken to the guidance office at the high school. If the student leaves the school system and no request has been made to transfer the records, the Permanent Record will remain stored in the guidance office. The Permanent Record will be transferred to another school or school district upon receipt of written notice from the parent or guardian that the student intends to enroll in another school or school district, or upon written notice on school stationery, from the district to which the student has transferred, that the student has enrolled. The Permanent Record also will be transferred upon receipt of written notice from a court that a student has been placed in a secured correctional facility, secured child-caring institution, or a secured group home.
- **Behavioral Records:** As the student moves between grades or grade levels, the cumulative folder will move with the student. When the student moves from the elementary level to the middle school or the senior high school, the cumulative folder will be taken to the guidance department office. Any behavioral records maintained by the District will be transferred to any other school or school district upon receipt of a written notice from the parent or guardian that the student intends to enroll in another school or school district, or upon written notice on school stationery from the district to which the student has transferred, that the student has enrolled. The cumulative folder also will be transferred upon receipt of written notice from a court that a student has been placed in a secured correctional facility, secured child care institution, or a secured group home.

Dissemination of Student Records

Progress Records

- **In-House Dissemination:** Information on student progress records (Permanent Record) shall be available to any District employee that is certified. Clerical staff members, paraprofessionals, or teacher-aides shall not disseminate the information within the school system and will be allowed to use student record information only when under the direction and/or supervision of school-certified personnel.
- **Out-of-House Dissemination:** Permanent Record information will be sent only to a school or agency to which a student has transferred, upon written request from a parent, guardian, or adult student, or upon receipt of a request for transfer of records on school official stationery from a school, or court when a student has been placed in a secured correctional facility, secured child caring institution, or secured group home or other agency to which a student has transferred. The information on the Permanent Record shall not be released to any other non-school agency, unless the District has received written consent from the parent, guardian, or adult student, or as otherwise authorized by law.

Behavioral Records

- **In-House Dissemination:** The dissemination of information included with the behavioral record shall be available to any certified employee of the School District. Clerical staff, paraprofessional, or teacher-aides shall not disseminate the information within the school system and will be allowed to use student record information only when under the direction and/or supervision of school-certified personnel.
- **Out-of-House Dissemination:** Behavioral records will be disseminated outside the School District as specified in Section 4: Confidentiality (1).

Disposal of Student Records

- **Progress Records:** When a student ceases to attend school in the district and does not enroll in another school or school district to which the student's Permanent Record should be forwarded, the progress record (Permanent Record) shall be forwarded to the guidance department and kept there for seven years. The District shall retain written notices and requests for transfers of student records for at least five years after the student ceases to be enrolled.
- **Behavioral Records:** All behavioral records will be disposed of within one year after the student leaves the School District unless the District receives a written request by the parent, legal guardian, or adult student that such behavioral records be preserved. In such cases, behavioral records will be kept for seven years as outlined in the permission or as long as district needs require.

Interpretation of Student Records

- Progress Records: Progress records made available to an authorized person will be interpreted by qualified, certified members of the School District, which may include the building principal, guidance counselor, or classroom teachers.
- Behavioral Records: Behavioral records made available to the parent, guardian, or adult student will be interpreted by qualified, certified members of the School District, which may include the building principal, guidance counselor, or classroom teachers. If classroom teachers feel the need for assistance in the interpretation, they shall make referrals to the building principal and/or guidance counselor.

Annual Notice

Parents/guardians and adult students shall be notified annually of the following: (1) their rights to inspect, review and obtain copies of student records; (2) 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; (3) 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; (4) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and, (5) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

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 military recruiters or institutions of higher education without prior written parental consent.

Student record notices shall be published annually following state and federal law.

LEGAL REFERENCE: Wisconsin Statutes, Sections 118.125, 118.126, 118.127, 118.51 (8), 118.52(10), 146.81 – 146.84, 252.15, 767.24(7), 938.396, Family Educational Rights and Privacy Act (20 USC Section 1232g, 34 CFR Part 99) No Child Left Behind Act of 2001

CROSS-REFERENCE: 347 Exhibit 1 – Release of Records, 347 Exhibit 2 – Authorization for Release of Information

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Williams Bay School District
Williams Bay, Wisconsin