

SCHOOL DISTRICT OF WEST DE PERE
STUDENT RECORDS

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Student records shall be maintained in the West De Pere School District to assist school personnel in providing appropriate educational experiences for each child in the district. Student records shall include all records relating to an individual student maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the state superintendent under section 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.

TYPES OF RECORDS

- a. Student Records means all records relating to individual students maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the state superintendent under Section 115.28(7).
- b. Progress Records means those student records which include the student's grades, a statement of the courses the student has taken, the student's attendance record, the student's immunization records and records of the student's extracurricular activities.
- c. Behavior Records means those students records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records, other than his or her immunization records, or any lead screening required under Sec. 254.162, peace officers records obtained under Sec. 48.396(1m), and any other student records that are not progress records.
- d. Student Directory Data means those student records which include the student's name, 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, or video identifying students either individually or as part of a group for academic or co-curricular achievement, degrees and awards received and the name of the school most recently previously attended by the student. This directory data shall be considered public information and may be released to appropriate persons and media unless parents or adult students refuse the release, in writing, of their own initiation. Refusal of such release must be made no later than two weeks after the opening of school or of enrolling in school in the case of those entering West De Pere Public Schools after the school year has started. This exception to the policy should be made known annually along with information relating to the opening of school.
- e. Student Physical Health Records means those student records that 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

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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.

- f. Student Patient Health Care Records means those records, reports, and correspondence relating to the health of a student which are authored by an outside agency physician, psychiatrist, nurse, dentist, pharmacist, chiropractor, podiatrist, physical therapist, occupational therapist, optometrist, clinical psychologist, social worker, speech therapist, audiologist, other health care professionals, and any student record relating to a student's physical health, which does not fall within the definition of Student Physical Health Records definition above. All student patient health care records shall remain confidential records. Student patient health care records may only be released to persons designated by the statute or with the informed consent of the patient. Any exception is granted for the purposes of storing or maintaining student patient health care records and access is necessary to comply with state or federal law.

DEFINITIONS

"Parent means parent, guardian or other individual as appointed by the court to act on behalf of a minor child.

"Adult student" means a student who has attained the age of 18 or is attending an institution of postsecondary education. For purposes of Board policy and related procedures, adult students have all the rights accorded to parents.

CONFIDENTIALITY

The Board recognizes the need for confidentiality of student records. Therefore, 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 releases of records without such prior approval. The building principal, or their designee, shall be responsible for the collection, maintenance and dissemination of student records in accordance with state and federal laws and established procedures. Building principals are also responsible for annually training all persons collecting or using student records in confidentiality policy and procedures. Special education records and student patient health care records will be maintained at the office of the Director of Student Services. Certain portions of behavioral records (special education) may be maintained in a confidential file at the building site.

All student records maintained in the West De Pere School District shall be confidential with the following exceptions:

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- a. A student, or the parent or 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 or 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 or guardian shall, upon request, be provided with a copy of the behavioral records.
- c. 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.
- d. Student records may be made available to persons employed by the district who are required by the Department of Public Instruction (DPI) to hold a certificate, license or permit and to other school district officials who have been determined by the school board to have legitimate educational interests.
- e. Upon the 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 or such portions of the student's behavioral records as determined by the person authorizing the release.
- f. 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 the credibility or competency of a witness.
- g. The school board may provide the DPI or any public officer with any information required to be maintained under Chapters 115 to 121 of the statutes. The school 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 kept confidential by the DPI. Notwithstanding their confidentiality, student records may be used in suspension and expulsion proceedings and by the multidisciplinary team under Chapter 115 of the statutes.
- h. Information from school health records shall be made available to state and local health officials to carry out immunization requirements.
- i. The district board of the VTAE district in which the school is located, the department of health and social services or a county department under section 46.215, 46.22, or 46.23 for verification of eligibility for public assistance shall, upon request, be provided by the school district clerk with the names of students who have withdrawn from school prior to graduation.

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- j. West De Pere Public Schools designate as directory data 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, or video identifying students either individually or as part of a group for academic or co-curricular achievement, degree and awards received and the name of the school most recently previously attended by the student. This directory data shall be considered public information and may be released to appropriate persons and media unless parents or adult students refuse the release, in writing, of their own initiation. Refusal of such release must be made no later than two weeks after the opening of school or of enrolling in school in the case of those entering West De Pere Public Schools after the school year has started. This exception to the policy should be made known annually along with information relating to the opening of school.
- k. Any part of a student health care record that concerns the results of a test for the presence of HIV or antibody to HIV (the virus which causes acquired immune deficiency syndrome- AIDS) shall be confidential and may be disclosed only with the informed written consent of the test subject.
- l. A school board may disclose personally identifiable information from an adult student's record to the student's parent(s) or guardian, without the adult student's written consent, if the adult student is a dependent of their 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.
- m. A school board shall disclose a student's record in compliance with a court-ordered educational plan after making reasonable effort to notify the student's parent or guardian.
- n. A law enforcement agency, if the law enforcement agency certifies in writing that the student is under investigation for allegedly committing a criminal or delinquent act, shall, upon request, be shown and provided a copy of the student's attendance records.

The building principal shall have primary responsibility for maintaining the confidentiality of all student records kept at the school. All requests for inspection or transfer to another school or school district should be directed to the building principal, who will then determine whether inspection or transfer is permitted under this policy. The building principal or his qualified designee shall be present to interpret behavioral records when inspection is made.

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 had 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).

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DISSEMINATION OF PUPIL RECORDS

The general public does not have access to individual student records. However, an adult student or parent or legal guardian of a minor student may have access to personal records, as stipulated by law. When a student record contains information about other students, access may only be granted to that portion of the record referring to the student at issue. If an adult student or parent or legal guardian of a minor student wishes to inspect such records, they should make a request to the principal of the school in which the student is enrolled for an appointment to review the records.

Procedure:

1. A written request to review the records must be made to the school, either by the parent or legal guardian or adult student.
2. A conference shall be set up as soon as possible; however, note that the federal law allows up to 45 days to comply.
3. The principal and/or designee shall be present at the conference to interpret the permanent record card and cumulative folder, and may call upon other specialists such as the school psychologist, and special education personnel, when records requiring their expertise are being reviewed.
4. A notation should be made and filed in the student's cumulative folder indicating the date of the record review conference and signed by all persons present.
5. In case of progress records, a review conference need not to be held.
6. If, after a review conference, a request is made for a copy of any or all behavioral or progress records, the parent or legal guardian or adult student shall be requested to sign a release of information form authorizing the release of the records.
7. Upon receipt of the signed release a copy of the requested record or records, shall be sent to the requesting party.

The National Defense Authorization Act for Fiscal Year 2021(PL116-283, section 521) and the Elementary and Secondary Education Act of 2002 contain provisions that require a district to:

- a. Give military recruiters the same access to secondary school students as provided to post secondary institutions or prospective employers; and
- b. Provide student's names, addresses, electronic mail addresses (email), and telephone listings to military recruiters when requested, unless a parent has opted out of providing such information.

MAINTENANCE AND DESTRUCTION OF RECORDS

While students are attending school, their records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the district, the records shall be transferred to that school.

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- a. The building principals shall have primary responsibility for maintaining the confidentiality of records in their building. Behavioral records shall be maintained at the building site, except for special education behavioral records and student patient health care records which shall be maintained at the Director of Student Services office. All records shall be maintained in secured files. Student patient records and police law enforcement officer records shall be maintained separately from a student's other records.
- b. Building principals shall provide upon request an updated list of staff by name and title that have access to student records.
- c. The District shall keep a record of parties obtaining access to special education records and student patient health records collected, maintained or used.
- d. A record of access shall be maintained in each student's records with the exception of the following:
 - The parent/guardian or adult student;
 - A licensed school official;
 - A party with written consent from the parent/guardian 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 is response to the subpoena not be disclosed.

This record shall include the name of the party, date access was given, and the purpose for which the party was authorized to use the record. A record of access shall be maintained in the event a student file is removed from the school office of records.

- e. The Director of Student Services shall be responsible for reviewing records of special education students. Information that is no longer needed to provide educational services to the special education student shall be destroyed after one month notification from the parents.

Records which are transferred to the central administrative office when the student ceases to be enrolled shall be maintained as follows:

- a. All behavioral records will be destroyed one year after the date the student graduated from or last attended the school unless the student (and his or her parent or guardian if the student is a minor) gives permission that the records may be maintained for a longer period of time. 118.125(3) does not specifically require the authorization of the parent or guardian of minor students to retain behavioral records longer than one year. However, this may be added in view of the general legal inability of minors to consent.
- b. Student progress records shall be filed and maintained permanently in the District.

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- c. (Seven) years after the student ceases to be enrolled in the school system, all progress records, and all behavioral records not previously destroyed, will be maintained on microfilm.
- d. Student patient records and law enforcement officer records shall be maintained for the same period of time as other student behavior records.

ANNUAL PUBLIC NOTICE

Parents and students shall be notified annually of the following: (a) their rights to inspect, review and obtain copies of student records; (b) the existence of the student records policy and procedures and where copies can be obtained; (c) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and (d) their right to file a complaint with the Family Policy and Regulations Office of the U.S. Department of Education. This notice shall be published annually in District student and/or parent handbooks, or disseminated through other appropriate means. Provisions shall be made to effectively notify parents when the parents' primary language is other than English.

When a student transfers into the District after the above notice has been given, the student and their parent(s) shall receive a copy of the notice.

TRANSFER FOR RECORDS

Student records relating to a specific student shall be transferred to another school district upon notice from an adult student or the parent or guardian of a minor student that the student intends to enroll in a school in another school district; from the other school district that the student has enrolled; or, from a court that legal custody of the student has been transferred to the Department of Health and Social Services for placement in a juvenile correctional facility. Records will be sent within five working days of receiving the written request.

LEGAL REFERENCE: Sections 48.96, 48.78 Wisconsin Statutes
 Sections 118.125-118.128 Wisconsin Statutes
 Sections 146.81-146.84 Wisconsin Statutes
 Chapter 19, Subchapter IV
 Family Educational Rights and Privacy Act

APPROVED: 12/17/74

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