

POLICY 6470
STUDENT RECORDS

A student record folder shall be maintained for each student enrolled in the District. Student records shall be used to carry on school business and to serve as a source of future information and verification for each student's personal use.

Student records shall respect such student rights as enumerated by law and the information contained in them shall be clear and accurate. Amendment of records believed to be inaccurate, misleading or in violation of the privacy rights of the student may be requested.

The District recognizes the need for the confidentiality of student records. Therefore, student records shall be available for inspection, review and copying only in accordance with state and federal laws and District policies, rules and regulations.

The building principal shall have primary responsibility for the maintenance and confidentiality of all physical and electronic student records kept at his/her assigned school. Records for students in special education containing progress and behavioral data shall be maintained in the Office of Special Education and Student Support. The Director of Special Education and Student Support shall have responsibility for the maintenance and confidentiality of all student records kept by the Office of Special Education and Student Support.

Annually, the District shall inform adult students and the parents/guardians of minor students of this policy and its implementing procedures. Persons who feel that their rights under federal law have been violated may file a written complaint with the U.S. Department of Education.

LEGAL REF.: Wisconsin Statutes
 Sections 118.125 [Pupil records]
 118.126 [Privileged communications]
 118.127 [Law enforcement agency information]
 146.81 – 148.83 [Health care records; definitions]
 252.15 [Restrictions on use of an HIV test]
 767. 41(7) [Access to records]
 938.396 [Records]
 20 U.S.C. Section 1232g, 45 C.F.R. Sec. 99 [Family
 Educational Rights and Privacy Act]

CROSS REF.: 1240, Access to Public Records
 5910, Children of Divorced or Separated Parents
 6330, Privacy Rights in District Programs
 6452, Student Progress Reporting
 6460, Testing/Assessment

Special Education Program and Procedure Manual

ADMINISTRATIVE REGULATIONS: None

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July 10, 2001
July 24, 2018

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A. DEFINITIONS

"Student records" include all data relating to an individual student other than notes or records maintained for personal use by teachers or other certified personnel that are not available to others, and records necessary for and available only to persons involved in the psychological treatment of a student.

1. "Progress records" mean those pupil records which include the pupil's grades, a statement of the courses the pupil has taken, the pupil's attendance record, the pupil's immunization records, any lead screening records, and records of the student's school extracurricular activities.
2. "Behavioral records" mean those student records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records, other than immunization records or any lead screening records, law enforcement officer records and any other pupil's records which are not progress records.
 - a) "Special education records" include referral information (including notices and forms), signed parent/guardian consent for evaluation, individualized education program (IEP) team evaluations, individual reports, etc., the student's IEP, placement decisions and signed parent/guardian consent or refusal, medical evaluations and prescriptions required to substantiate health care plans and medical evaluations used to substantiate a determination of disability.
 - b) "Law enforcement unit records" means records 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) the act for which a juvenile enrolled in the District was adjudged delinquent, and (4) 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. Such records may be provided to the District upon request of the Superintendent of Schools or designee, or upon the law enforcement agency's own initiative based on agency policy. Upon receipt of the records, the Superintendent or designee shall inform the student named in the records and the parent/guardian of a minor student named in the records of the information.
 - c) "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

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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" are 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 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 health care records" include all records relating to the health of a student prepared by a health care provider that are not included in the "student physical health records" definition above.
- 3. Directory Data - The School Board has designated the following information as student directory data: student's name, address, telephone number, 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 the school most recently previously attended by the pupil, and other similar information.
 - 4. Adult Student means a student who has attained 18 years of age. The consent required of and the rights accorded to the parent/guardian of a student while he/she was a minor shall thereafter only be required of and accorded to the adult student, except as otherwise provided.

B. CONFIDENTIALITY OF STUDENT RECORDS

- 1. Release of Student Records to Adult Students and Parents/Guardians
 - a) Adult students and the parents/guardians of minor students shall have the right to inspect, review and copy student records in accordance with state and federal laws and District rules and regulations.

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- b) Either parent/guardian may exercise his/her right to inspect records unless the school has been provided with evidence that there is a state law or court order governing such matters as a divorce decree, separation or custody agreement or other legally binding instrument which specifically provides to the contrary.
 - c) Personally identifiable information from an adult student's records may be disclosed to the student's parent(s)/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.
 - d) Adult students or parents/guardians of minor students shall be provided a copy of the student's records upon request, including the student's transcript, at no cost consistent with legal requirements. Transcripts requested by adult students or parents/guardians of minor students to be provided to other persons, agencies or institutions shall be provided at cost.
2. Release of Student Progress or Behavioral Records (Other Than Patient Health Care Records) to Others
- a) The judge of any court of Wisconsin or the United States shall, upon request, be provided by the Board Clerk or designee with a copy of the progress records of a student who is the subject of any proceeding in such court. A reasonable effort shall be made to notify the adult student or parent(s)/guardian of a minor student in advance of compliance.
 - b) Names of dropouts shall be provided to a court in response to an order under the state law governing municipal school dropout ordinances.
 - c) If school attendance is a condition of a student's dispositional order under section 48.355(2)(b)7 or 938.358(2), the county department that is responsible for supervising the student shall be notified within five days after any violation of the condition by the student.
 - d) 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. If a

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student's attendance record is disclosed to a law enforcement agency for purposes of a truancy investigation, the student's parent/guardian shall be notified of that disclosure as soon as practicable after that disclosure.

- e) A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that: (a) the student is under investigation for arson, (b) the student's attendance record is necessary for the fire investigator to pursue his/her investigation, and (c) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.
- f) Student records shall be made available to persons employed in the District which the student attends who are required by the state to hold a license and to other school district officials who have been determined by the Board to have legitimate educational interests, including safety interests, in the student 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 attorney, auditor, medical consultant, therapist, outreach worker or CLC coordinator); 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 interests" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.
 - 1. 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.

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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.
- g) Upon the written permission of an adult student, or the parent(s)/guardian of a minor student, the school shall make available without unnecessary delay to the person named in the permission form a copy, at cost, of the student records requested. The form for requesting the release of records must include the following information: (1) the specific records that are authorized to be released, (2) the reasons for such release, and (3) the parties or person to whom the information shall be released. Law enforcement officer 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.
 - h) 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, to be used only for purposes of impeachment of any witness who has testified in the action. After an in-camera inspection, the court may turn said records or parts thereof over to parties in the action or their attorneys if said record would be relevant and material to a witness' credibility or competency. A reasonable effort shall be made to notify the adult student, or parent(s)/guardian of a minor student in advance of compliance with the order.
 - i) The Board shall disclose a student's records in compliance with a court-ordered educational plan after making a reasonable effort to notify the student's parent(s) or guardian.
 - j) The Superintendent of Schools or designee may provide the Department of Public Instruction (DPI) or other public officer with any information required under chapters 115 to 121 of the state statutes. Upon request, the DPI shall be provided with any student record information that relates to an audit or evaluation of a state-supported program or that is required to determine compliance with state law provisions. Information reported shall be kept confidential by the DPI.

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- k) Notwithstanding their confidentiality, student records may be used in suspension and expulsion proceedings and by an IEP team.
- l) Information from a student's immunization records shall be made available to state and local health officers to carry out immunization requirements.
- m) The district board of the technical college district in which the school district 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 under sections 46.215, 46.22 or 46.23 of the state statutes shall, upon request, be provided with the names of students who have withdrawn from the public school prior to graduation.
- n) The District shall, upon request, provide another public school district in Wisconsin student disciplinary records necessary for purposes of public school open enrollment. These records 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 proceeding.

Copies of student records shall be provided without unnecessary delay at cost to the person or agency who is authorized to inspect them.

3. Release of Student Patient Health Care Records

Except as otherwise provided, student patient health care records may only be released to persons specifically designated in the state patient health care records laws or to other persons with the informed consent of the patient or a person authorized by the patient. 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.

4. Release of Directory Data

Directory data will be released as outlined below, unless the parent/guardian or adult student informs the principal of any or all items he/she does not wish to have released without prior written consent of the parent/guardian or adult student. The District will give annual written notice to adult students and parents/guardians of the categories of information that the Board has designated as directory data with respect to each student and inform them that they may inform

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the school that all or any part of the directory data may not be released without the prior consent of the parent/guardian or adult student. The District will not release directory data after the District has been restricted from doing so by any of those parties.

- a) If a school has followed the notification procedure outlined above, and the adult student or parent/guardian does not object to the directory data being released, the building principal or district may release student directory data.
- b) If a school has followed the notification procedure as outlined above, and the adult student or parent/guardian does not object to the directory data being released, the Board Clerk or designee shall, upon request, provide a technical college district board with the name and address of each such student who is expected to graduate from high school in the current school year.
- c) If the school has followed the notification procedure outlined above, and the adult student or parent/guardian 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, district attorney, city attorney or corporation counsel, county department under sections 46.215, 46.22 or 46.23 or a court of record or municipal court with such directory data information relating to any such student enrolled in the 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.

5. Transfer of Records

No later than the next working day, The District shall transfer to another school or school district all student records relating to a specific student if it has received written notice: (a) from an adult student or the parent/guardian of a minor student that the student intends to enroll in the other school; (b) from the other school district that the student has enrolled; or (c) from a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.

C. APPEALING THE CONTENT OF STUDENT RECORDS

1. An adult student or the parent/guardian of a minor student who believes that information contained in the student's records is inaccurate, misleading or violated the privacy rights of the student may request that the principal amend these records. If the principal does not amend the records as requested by the parent/guardian or

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adult student, the principal shall notify the parent/guardian or adult student of this decision and advise him/her of the right to a hearing in order to challenge the contents of the student records.

2. If the adult student or the parent/guardian of a minor student is not satisfied with the principal's decision, the decision may be appealed to the Superintendent or designee, within 10 days from receipt of the principal's decision.
3. A request for a hearing should be in writing and include a specific statement of which records and how such records are inaccurate, misleading or otherwise in violation of the privacy rights of the student.
4. After the hearing, the parent/guardian or adult student will receive a written decision. If the decision is that the challenged information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the parent/guardian or adult student shall be informed of the right to place in the student records a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision.

D. RECORDS MAINTENANCE AND DESTRUCTION

1. While students are attending school in the District, their records shall 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. Special education student records shall be maintained as outlined below.
2. Physical student records shall be contained on and in the printed folder adopted by the District for such purpose. Each student record folder shall be examined at least annually for the purpose of eliminating extraneous or outdated materials contained therein. The principal will be responsible for having student records current and designating professional staff to review the student record folder.
3. A record of each request for access to and each disclosure of personally identifiable information from a student's record folder shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:
 - the parent/guardian or adult student;
 - a school official;
 - a party with written consent from the parent/guardian or adult student;
 - a party seeking directory data; or

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- 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.
4. Special Education Records - Student special education records will be maintained by the Director of Special Education and Student Support in accordance with District policy, rules and regulations. The District shall maintain a listing of employees and their positions who are authorized to have access to records of special education students. This listing shall be posted in an area accessible to the public. All persons collecting or using personally identifiable information from student special education records shall receive training or instruction regarding the policies and procedures that the District has undertaken to ensure the confidentiality of any personally identifiable information maintained or collected by the District.
 5. When the student ceases to be enrolled in a school operated by the District, within six months from the time that the student left the District, his/her records will be transferred to the Office of Special Education and Student Support. Records that are transferred to the Office of Special Education and Student Support 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/her parent/guardian if the student is a minor gives permission that the records may be maintained for a longer period of time. All behavioral records not previously destroyed will be maintained through electronic media. Where such written permission is received, behavioral records generally will be destroyed five years after the date the student graduated from or last attended school.
 - b. Five years after the student ceases to be enrolled in the school system, all progress records will be maintained on electronic media and the original progress records (permanent record card) destroyed.