

Student Records Policy #5120

STUDENT RECORDS 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

- **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).
- **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 school extra-curricular activities.
- **Behavioral Records** means those student 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.
- **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.
- **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 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.
- **Student Patient Health Care Records** means 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 A 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 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.

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 release 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:

- 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.
- 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.
- The judge of any court of this state or of 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.
- 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.
- 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.
- 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.
- 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.
- Information from school health records shall be made available to state and local health officials to carry out immunization requirements.
- 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.
- 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, 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.
- 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.
- A school 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 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.
- A school board shall disclose a student's record in compliance with a court-ordered educational plan after making a reasonable effort to notify the student's parent or guardian.
- 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 that school. All requests for inspection or for 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 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).

Family Educational Rights and Privacy Act (FERPA)

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 specialist 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 the case of progress records, a review conference need not 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.

Transfer of 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.

Filing a Complaint

Parents and students have the right to file a complaint with the Family Policy and Regulations Office of the U.S. Department of Education. For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may call 1-800-437-0833. Or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520