

## WAUSAU SCHOOL DISTRICT

### STUDENTS RECORDS

5200

#### Student Records

#### Definitions

1. Student Records – student records include all records relating to an individual student maintained by a school 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.
2. Progress Records – student records that include the student's grades, a statement of the courses the student has taken, the student's attendance record, records of the student's school extracurricular activities, and the student's immunization and lead screening records. Directory data is considered part of the student's progress records.
3. Behavioral Records – student records that 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 and lead screening records, law enforcement officers' records, and any other student records that are not progress records.
4. Directory Data – records that contain the student's name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, recorded images of the student not being maintained by the District for a separate purpose as a behavioral record, and the name of the school most recently previously attended.
5. Law Enforcement Officers' Records – records obtained from a law enforcement agency relating to: (a) the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the District; and (b) the act for which a juvenile enrolled in the District was adjudged delinquent. Such records may only be obtained from the law enforcement agency upon request to the Superintendent of Schools, or his/her designee.
6. Student Physical Health Care Records – 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, any lead screening records, the results of any routine screening test such as 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.

Confidentiality

All student records shall be kept confidential, with the following exceptions:

1. An adult student, or the parent/guardian of a minor student, shall, upon request, be shown and provided with a copy of the student's progress records.
2. 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 adult student or parent/guardian shall, upon request, be provided with a copy of the behavior records.
3. The judge of any court of this state or of the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in such court.
4. A law enforcement agency or fire investigators looking into arson crimes shall be provided with a copy of the student's attendance record if the law enforcement agency or fire investigators certify in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act. The law enforcement agency or fire investigators will not further disclose the pupil's record except as permitted by law.

The school district clerk or designee who discloses a copy of a pupil's attendance record to a law enforcement agency for purposes of a truancy investigation shall notify the pupil's parent/guardian of that disclosure as soon as practicable after disclosure.

5. If school attendance is a condition of a student's dispositional order, the county department that is responsible for supervising the student shall be notified within five days after any violation of such condition by the student.
6. Student records shall be made available to the Department of Public Instruction (DPI), certified personnel employed by the District, and other District officials who have been determined by the Board to have a legitimate educational or safety interest in the records. Law enforcement officers' records concerning the use, possession, or distribution of alcohol or drugs shall be made available under this exception only for the purpose of providing alcohol and other drug abuse (AODA) programs for students enrolled in the District, and only to those District employees who have been designated by the Board to receive the information for the purpose of providing AODA programs. Law enforcement officers' records pertaining to the acts for which a juvenile has been adjudged delinquent shall be made available under this exception only for legitimate educational or safety purposes, or for the purpose of providing treatment programs for students enrolled in the District.

7. Upon the written permission of an adult student, or the parent/guardian of a minor student, the school shall make available to the person named in the permission form (e.g., prospective employer, school, colleges, etc.) the student's progress records or such portions of the student's behavioral records as determined by the person authorizing the release. Records obtained from law enforcement officers 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 form.
8. Student records shall be provided to a court in a 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 the records or parts thereof over to parties in the action or their attorneys if the records would be relevant and material to a witness's credibility or competency.
9. The Board may provide the DPI or any public officer with any information required to be maintained by law. 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 which is required to determine compliance with state law provisions. Information reported shall be kept confidential by the DPI.
10. Information from a pupil's immunization records shall be made available to the Department of Health and Social Services to carry out a statewide immunization program as provided by state statute.
11. Information from any pupil lead screening records shall be made available to state and local health care officials to carry out a statewide lead poisoning or lead exposure prevention and treatment program as provided by state statute.
12. The Technical College Board in which the public school is located, or the Department of Health and Social Services, the Department of Industry, Labor, and Human Relations, or a county department for verification or eligibility for public assistance under Wis. Stat. § 49, shall, upon request, be provided with the names of pupils who have withdrawn from the public school prior to graduation.
13. Directory data, including electronically transmitted data, may be disclosed to any person if the school has notified the adult student, parent/guardian, or guardian ad litem of the categories of information which it has designated as directory data with respect to each student and has allowed 14 days for the adult student, the parent/guardian, or guardian ad litem to inform the school that all or any part of the directory data may not be disclosed without the prior consent of the adult student, parent/guardian or guardian ad litem.
  - a. If no such notice is received a Technical College Board must be provided, upon request, with the name and address of each student who is expected to graduate from high school in the current year.

- b. If no such notice is received, a law enforcement agency, district attorney or corporate counsel, county department or court of record or municipal court must, upon request, be provided with directory data with regard to any student for the purpose of enforcing that student's school attendance, investigating alleged criminal or delinquent activity by the student, or responding to a health or safety emergency.
14. The Board may disclose personally identifiable information from the student records of an adult student to the parent/guardian of the adult student without the written consent of the adult student if the adult student is a dependent of his/her parent/guardian for tax purposes, unless the adult student has informed the school, in writing, that the information may not be disclosed.
  15. The Board shall disclose a student's records in compliance with a court order under Wisconsin's delinquency statutes after making a reasonable effort to notify the student's parent/guardian.

#### Suspension, Expulsion or IEP-Team

Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the IEP Team under Wis. Stat. § 115.

#### Notification

If the District discloses information from a student's record under exceptions 3, 4, 6, 8, 9, 12 or 14 above, the District shall notify the student who is the subject of the record and the student's parent/guardian of the disclosure and shall provide the pupil and the parent/guardian of the information disclosed. Such information will not be provided to the parent/guardian if the District determines that providing the information to the parent/guardian would result in imminent danger to the student.

#### Students' Divorced or Separated Parents

It will be presumed that either parent may exercise the rights granted parents under these rules unless documentary legal evidence shows that a parent has been expressly precluded from exercising parental rights. The school assumes no responsibility for release of such records unless the school has been notified of these restrictions. The mere awarding of custody to one parent shall not preclude the parent not having custody from being granted access to the student's records.

#### Confidentiality of Pupil Physical Health Records

1. Except as provided in #2 below, any student record that relates to a student's physical health and is not a student physical health record, shall be treated as a patient health care record under the state statutes.
2. Any pupil record that concerns the results of a test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV shall be treated as provided under Wis. Stat. § 146.025. In this subsection, "HIV" means human immuno-deficiency virus, which causes acquired immunodeficiency syndrome.

### Custodian of Student Records

The Superintendent of Schools or his/her designee is appointed custodian of student records. He/She shall be responsible for the overall direction and supervision of student recordkeeping in the District and shall ensure that policies regarding student records are adhered to. At the building level, the building principals shall have primary responsibility for determining that policies are carried out and shall be the persons to whom all requests for inspection of or transfer of records to another school shall be directed.

### Record of Disclosure

The District shall maintain a record of each request for access to and each disclosure of personally identifiable information from the record of each student. This record must include the following:

- a) A written record of request for access/copies of student record.
- b) Record of persons/agencies granted information.
- c) Date of access to information.

Such record shall be maintained with the student's other pupil records and is subject to inspection by the parent/guardian of a minor pupil or an adult pupil and the school official responsible for custody of the records or his/her designee.

### Inspection and Review of Records

Parents/guardians and adult students have the right to inspect and review their child's or their own records within 45 days after the request has been made. If, however, a formal hearing or inquiry is pending, the parents/guardians and adult students will be allowed to inspect and review the records 5 days prior to the hearing or inquiry.

### Procedure for Inspection

1. Request of the custodian – A request to inspect or copy records must be made to the custodian of records. A request from a third party must be accompanied by an authorization for such release from an adult student or the parent/guardian of a minor student.
2. The custodian of records shall establish proper identification of the person requesting records.

Copies of records may be obtained at no cost to the parent/guardian/adult student/third party. Copies of records housed at the school may also be obtained by the parent/guardian/adult student/third party with written consent from the appropriate party at no cost.

### Right to Challenge and/or Amend Records at Parent/Guardian Request

1. A parent/guardian who believes that information in educational records collected, maintained, or used by the school is inaccurate or misleading or violates the privacy or other rights of the student, may request the District to amend the information.

2. The District shall decide whether to amend the information in accordance with the request within a reasonable period of time (within 10 days) of receipt of the request.
3. If the District decides to refuse to amend the information in accordance with the request, it shall inform the parent/guardian (within 10 days) of the refusal, and advise the parent/guardian of the right to a hearing in accordance with state and federal regulations.
4. The District shall, upon request, provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
5. If, as a result of the hearing, the District decides that information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent/guardian in writing.
6. If, as a result of the hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent/guardian of the right to place a statement in the student's records commenting on the information or setting forth any reasons for disagreeing with the decision of the District.
7. Any explanation placed in the student's records under this section must be maintained by the District as part of the student's records as long as the record or contested portion is maintained by the District and be disclosed to any party if the records of the student or the contested portion are disclosed to any party.
8. A hearing held under this section must be conducted according to procedures outlined in federal regulations.

#### Annual Public Notice

Parents/guardians/students will 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 rights to deny the release of such information; (d) the right to request the amendment of student records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights; and (e) their right to file a complaint with the Family Policy and Regulations Office of the U.S. Department of Education.

A notice will be sent individually in the language of the parent/guardian or student if a language other than English is necessary to communicate this notice.

#### Procedures for Implementing Request to Withhold or Disclose Directory Information

1. Annually, each school must publish notice in their first newsletter informing eligible parties they have fourteen (14) days to inform the school that they do not want ALL or ANY PART OF the directory data information to be released.

2. All new enrollees, as well as parents/guardians/adult students, will be notified upon enrollment through the Principal's or Counseling Office.
3. The District does not need to seek parent/guardian/adult student permission to disclose directory information. If eligible parties desire that ALL or ANY PART OF the directory information not be released, they must so inform the school the student attends by completing the proper form, REQUEST TO WITHHOLD DIRECTORY INFORMATION. Copies will be made for the Superintendent of Schools Office, School Guidance Office, Student's File, Parent/Guardian, and Principal's Office. The authorization to withhold directory data will remain in effect until the beginning of the next school year, or until the parent/guardian or eligible student notifies the student's school office.
4. Directory data relating to students who are no longer in attendance in the District will not be released if a parent/guardian or adult student has completed the REQUEST TO WITHHOLD DIRECTORY INFORMATION in the year preceding the year in which the student has left the District. This provision does not apply to the transfer of students to other school districts.
5. The District is required by law to provide, upon request by a military recruiter or an institution of higher education, access to secondary students' names, addresses, and telephone listings unless the parents/guardians or adult student request that this information not be released. Opt out forms are available at the schools, and copies will be made for the Superintendent of Schools' office, school guidance office, student's file, parent/guardian, and school principal's office.
6. To disclose directory information, the person, organization, or institution must comply with the following:
  - a. Submit their request in writing.
  - b. Allow the District 45 days to provide directory data.
  - c. The District will charge 20 cents a page to provide copies of directory data.

Legal Ref.: Elementary and Secondary Education Act of 1965 (ESEA) § 9528  
10 U.S.C. § 503  
20 U.S.C. § 7908  
No Child Left Behind Act of 2001 (Public Law No. 107-110)  
National Defense Authorization Act for Fiscal Year 2002 § 504  
Wis. Stat. §§ 146.025, 115, and 118.125

Revised and Adopted: February 12, 1990  
Revised and Adopted: April 14, 1997  
Revised and Adopted: October 12, 1998  
Revised and Adopted: December 8, 2003  
Updated: July 16, 2008  
Revised and Adopted: April 13, 2009  
Revised and Adopted: November 9, 2015