

# Hortonville Area School District

**Title:** Student Records

**Date Adopted:** 11/28/83

**Policy No.** 5007

**Date Revised:** 6/23/03

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## **Policy Statement:**

Records shall contain relevant data supplied by certified school personnel. There are two basic types of records: progress and behavioral. Progress records are those which contain a list of courses taken, grades obtained, extra-curricular involvement, immunization and the attendance record. All those items not contained in the progress records are considered behavioral. A large portion of the behavioral records is the cumulative folder. Any other records kept by any other school personnel are to be termed behavioral. Typical items contained in the behavioral records are achievement and ability tests, psychologists reports, exceptional educational needs records, tests, health records, teacher written reports, discipline notices, etc.

## **Rationale:**

The sole purpose for maintaining student records is to provide a permanent history of the educational experiences of the student.

**Scope:** Grades K-12, including Early Childhood and Alternative Education

**Responsibility:** District Administrator

## **Implementation:**

### 1. Definitions

- a. "Student records" include all data directly related to an individual student, regardless of record format, other than: 1) notes or records maintained for personal use by teachers or other school personnel which are not available to others; and 2) records necessary for and available only to persons involved in the psychological treatment of a student.
- b. "Progress records" maintained by the school include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's attendance record and records of the student's extra-curricular activities.
- c. "Behavioral records" maintained by the school include psychological tests, personality evaluations, records of conservations; any written statements relating specifically to an individual student's behavior, tests relating to specifically to achievement or measurement of ability; student physical health records other than immunization records, law enforcement officer records and any other student records which are not progress records or patient health care records.
  1. For students with disabilities, student behavioral records include referral information (including notices and forms); signed parental consent or refusal for evaluation; individualized education program team (IEP team) evaluations; individual reports and IEP team findings and reports; individualized education programs; placement decisions and signed parental consent or refusal; medical evaluations and prescriptions required to substantiate health treatment services; medical evaluations used to substantiate a handicapping condition; and physician's statement required for provision of special education homebound instructional services.

President \_\_\_\_\_ Date \_\_\_\_\_

Clerk \_\_\_\_\_ Date \_\_\_\_\_

2. "Law enforcement officer records" include those records and other information 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, b) the illegal possession of a dangerous weapon by a child, c) 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 (e.g., sexual assault), and d) 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 on the request of the District Administrator or designee, subject to the agency's official policy. Once the records are received, the student named in the records and the parent of any minor student named in the records shall be notified of the information.
3. "Court records" include those records received from a court clerk concerning a juvenile enrolled in the District who: a) 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, b) has been adjudged delinquent, c) has school attendance as a condition of his/her court dispositional order, or d) 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.
4. "Student physical health records" include basic health information about a student, including 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 designated State Superintendent of Public Instruction.
- d. "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.
- e. "Directory data," as designated by the District, includes a student's name, address, telephone listing, date and place of birth, major field of study, participating 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 school most recently attended by the student.
- f. "Parent" means a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian.
- g. "Adult student" means a student who has attained the age of 18.
2. Access Rights Regarding Student Progress and Behavioral Record Information
  - a. Parent/adult student access to student records
    1. Parents shall be permitted to review and inspect any student records relating to their minor child, except as provided as follows. Student behavioral records shall be shown to the parent in the presence of a person qualified to explain and interpret the records (i.e., special education designee for the behavioral records of students with disabilities; building principal for other student behavioral records). If any student record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information. Parents will be provided a copy of their minor child's records upon request.

A parent, regardless of whether the parent has legal custody of the student, shall have equal access to the student'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 student, ordered by the court).

2. Personally identifiable information from the student records of an adult student may be disclose 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.

3. The District will respond to parental requests for records without unnecessary delay and in no case more than fifteen (15) working days after the request is made.
  4. A list of the types and locations of student records collected, maintained or used by the District shall be provided to parents on request.
  5. For purposes of Board policy and these procedures, adult students have all the rights accorded to parents concerning their own records.
- b. Minor student access to progress records – A minor student may be shown and provided with a copy of his/her progress records upon request.
- c. Access to progress and behavioral records by persons other than parents/students – The District shall provide access to a student’s behavioral or progress records in the following situations:
1. The judge of any court of Wisconsin 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 that court. The District shall make a reasonable effort to notify the parent of a minor student or adult student of the order in advance of compliance therewith, except as otherwise provided by law.
  2. 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 of Education shall notify the county department that is responsible for supervising the student within five (5) days after any violation of the condition by the student.
  3. The District shall provide to the court, in response to a court order, 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 municipality court is located.
  4. 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 records are disclosed to a law enforcement agency for purposes of truancy, the student’s parent shall be notified in advance of that disclosure or as soon as practicable after the disclosure.
  5. 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.
  6. Student progress and behavioral records shall be made available to school officials who have been determined by the Board to have legitimate educational or safety interest in such records. A “school official” is a person employed by the District who is required by the Department of Public Instruction 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; or a person or company with whom the District has contracted to perform a specific task (such as an attorney, auditor, medical consultant or therapist). A school official has a “legitimate educational or safety interest” if the official needs to review a student record in order to fulfill his/her professional or District responsibility. For audit purposes only, the Board as a whole has access to student records for legitimate educational or safety interests.
    - a. Law enforcement record information obtained by the District may be disclosed to school officials who have been determined by the Board to have legitimate educational interests, including safety interests in that information. In addition, if that information relates to a District student, the information also may 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.

- b. 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 or 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.

A Board member or District employee may not be held personally liable for any damages caused by failure to make student record disclosures to District employees as outlined, unless the person acted with actual malice in failing to disclose the information. The District also may not be held liable for any damages caused by nondisclosure, unless the District or its agent acted with gross negligence or reckless, wanton or intentional misconduct in failing to disclose the records.

- 7. Upon the written request of an adult student or the parent 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 his/her behavioral records as determined by the person authorizing the release. Law enforcement officer records may not be made available under this exception unless specifically identified by the adult student or by the parent of a minor student in the written request.
- 8. Student records shall be provided to a court in response to a subpoena for inspection. The court may turn said records, or parts thereof, over to parties in the action or to their attorneys if these records would be relevant and material to a witness' credibility or competency. A reasonable effort shall be made to notify the adult student or the parent of a minor student before complying with the subpoena.
- 9. The Board shall provide the DPI or any other public officer with any information required under Chapters 115, 116, 117, 118, 119, 120 and 121 which covers all aspects of public instruction under the law. The DPI may secure student or other records that are necessary in connection with the audit and evaluation of state or federal-supported programs or in connection with the enforcement of state and federal requirements that relate to such programs.
- 10. Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.
- 11. Upon request, the Board Clerk or designee shall provide the names of students who have withdrawn from school prior to 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.
- 12. A student's records shall be disclosed in compliance with a court order under Wisconsin's delinquency statutes after a reasonable effort has been made to notify the student's parent.
- 13. Annually, on or before August 15<sup>th</sup>, the District shall report to the appropriate community services board established under sections 51.42 and 51.437 the names of students who reside in the District, who are sixteen (16) years of age or older who are not expected to be enrolled in an educational program two (2) 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) of such students shall be contacted to obtain informed consent prior to making such a report.
- 14. The District shall, upon request, provide student disciplinary records necessary for purposes of student enrollment in another public school district under the Open Enrollment law. These records may include:
  - a. a copy of any expulsion findings and orders for records of any pending disciplinary proceedings involving the student;
  - b. a written explanation of the reasons for the expulsion or pending disciplinary proceedings and

- c. the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.
  3. Release of Patient Health Care Records
- All 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. Patient health care records may be released upon request without informed consent to a District employee or agent, with regard to patient health care records maintained by the District in which he/she is employed or is an agent, if any of the following apply:
- a. The employee or agent has responsibility for the preparation or storage of patient health care records.
  - b. Access to patient health care records is necessary to comply with a requirement in federal or state law.

A parent, regardless of whether the parent has legal custody of the student, shall have equal access to the student'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 student, ordered by the court). A health care provider (for example, the District nurse or occupational/physical therapist) or any other person acting under the supervision of that person has authority to release patient health care record information to the extent authorized by law. An adult student or the parent of a minor student shall, upon request, be shown these records in the presence of a person qualified to explain and interpret the student's patient health care record, i.e. the District nurse or designee. A copy of the patient health care record shall be available upon request.

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 to other persons only with the informed consent of the test subject.

For purposes of these procedures, “**informed consent**” means written consent that includes all of the following information: a) the name of the student whose record is being disclosed, b) the type of information to be disclosed, c) the name of the person(s) making the disclosure, d) the purpose of the disclosure, e) the individual, agency or organization to which disclosure may be made, f) the signature of the student, if an adult, or the parent of a minor student, g) the date on which the consent is signed, and h) the time period during which the consent is effective.

4. Release of Student Directory Data
- Except as provided below, directory data may be disclosed to any person after the school has: a) notified parents of minor students, adult students and the public of the categories of information that it has designated as directory data with respect to each student, b) informed parents and adult students that they have fourteen (14) days to inform the school, in writing, that all or any part of the directory data may not be released without their prior consent, and c) allowed the designated time period for response. Parents or adult students can restrict the release of student directory data at any time.
- a. If the school district has followed the notification procedure outlined above, and the parent does not object to the directory data being released, the Board Clerk 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 board.
  - b. If the school district has followed the notification procedure outlined above, and the parent does not object to the directory data being released, the Board Clerk 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 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.
  - c. 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 of a student may request that 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 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.
- d. Except as otherwise provided, administrators have the discretion to refuse the release of individual student phone numbers, addresses and photographs for the safety of the student.
5. Challenge/Amendment/Deletion of Student Records
- a. An adult student, or the parent of a minor student, shall have the opportunity to challenge the contents of a student's school records by making a written request directly to the building principal, or to the District Administrator in the event the student is no longer enrolled in the Hortonville Area School District. The written request shall: 1) set forth the specific portion of the school record claimed by the challenger to be in error, inaccurate, misleading, or otherwise in violation of the privacy rights of the student and 2) state the modification(s) requested in respect thereto.
1. If the request is made to a building principal, the principal shall confer with the District Administrator concerning the request.
  2. The District Administrator, either from the information provided to him/her by a building principal or from the individual's direct request to the Administrator, shall make a written response to the adult student or parent. This response shall be within fifteen (15) days of the receipt of the written challenge by the building principal or the District Administrator.
- b. If the adult student, or the parent of a minor student does not deem the response of the District Administrator sufficient to remedy the challenge, he/she may make a written request for a hearing before the Board regarding the original challenge. This request shall be directed to the District Administrator within fifteen (15) days of receipt of the District Administrator's response.
1. The District Administrator shall, upon receipt of the request for hearing, arrange for a hearing to be held before the Board within fifteen (15) days of the receipt of the request therefore.
  2. The Board shall conduct the hearing, take evidence and make its findings, conclusion and order upon the evidence submitted at the hearing, and shall notify the challenging adult student, or the parent of a minor student, of such findings, conclusion and decision within fifteen (15) days following the conclusion of the hearing.
  3. If, as a result of the hearing, the Board decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the information accordingly and inform the adult student, or parent of a minor student, of such amendment.
  4. If, as a result of the hearing, the Board decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the adult student, or parent of a minor student, of the right to place in the records it maintains on the student, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the Board.
- The Board shall require that any explanation placed in the records of a student be maintained by the District as part of the records as long as the records or contested portion is maintained by the District. If the records of the student, or the contested portion are disclosed by the District to any party, the explanation also shall be disclosed to that party.
6. Maintenance of Student Records
- a. The building principal shall have primary responsibility for maintaining the confidentiality of student records in each school building. All requests for inspection or transfer of student records to another school district or agency shall be directed to the building principal, who will determine whether inspection or transfer is permitted under these procedures. Confidentiality provisions regarding student records apply to information maintained in record form and oral exchanges regarding the contents of such record information.

1. Building principals shall maintain an updated list of the locations of student records maintained by the District, the names of the person(s) responsible for the maintenance of the records at such locations, and the staff by name and title that have access to student records.
2. The District shall keep a record of parties obtaining access to student records collected, maintained or used under these procedures, except when a request is from or the disclosure is to the following person/party:
  - the parent or adult student;
  - a school official;
  - a party with written consent from the parent 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 in response to the subpoena not be disclosed.
3. A record of access shall be maintained in each student's file. 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.
- b. Except as otherwise specifically provided, student records will be maintained in the school of attendance while the students are enrolled in school. Upon transfer of the student to another school operated by the District, the records shall be transferred to that school. When the student ceases to be enrolled in a school operated by the District, his/her records remain at the last school in which the student was enrolled.
  1. All student records shall be maintained in locked files.
  2. Patient health care records and law enforcement officer records shall be maintained separately from a student's other records.
7. Transfer of Student Records
  - a. All student records relating to a specific student shall be transferred to another school or school district upon receipt of written notice form:
    1. an adult student, or the parent of a minor student, that the student intends to enroll in the other school or school district;
    2. another school or school district that the student has enrolled; or
    3. a court that a student has been placed in a secured correctional facility, secured residential care center or a secured group home.
  - b. Records will be sent within five working days of receipt of the written request.
8. Destruction of Student Records
  - a. The special education designee shall be responsible for reviewing records of students with disabilities. Parents and adult students shall be informed of information that is no longer needed to provide educational services to the student with a disability and of their right to obtain a copy of such information before it is destroyed. This notice shall be given one month prior to destruction of the record information.
  - b. All behavioral records shall be destroyed one year after the student graduates or last attends school, except with written parent or adult student permission to retain them for a longer period of time. Where such permission is received, behavioral records shall be maintained for the time period specified in the written permission or, if no such time period is noted, for as long as the District's needs require.
  - c. Student progress records shall be destroyed thirty (30) years after the student ceases to be enrolled in the District.
  - d. Patient health care records shall be maintained for a minimum of seven (7) years, except as otherwise required by law.
9. Complaints Regarding Alleged Noncompliance with Federal Requirements  
Adult students or parents of minor student may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for alleged District noncompliance with requirements of the federal Family Educational Rights and Privacy Act (FERPA).

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10. 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) their rights to request the amendment of the student's school records if they believe the records are inaccurate or misleading; c) 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; d) the categories of student record information that have been designated as directory data and their right to deny the release of such information; and e) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education. Provisions shall be made to effectively notify parents who are disabled and parent who have a primary or home language other than English

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

**Associated Information:**

Wisconsin Statutes 118.125, 118.126, 118.127, 252.15, 767.24(7), and Chapter PI 19.05

Family Educational Rights and Privacy Act (34 CFR Part 99)

10 U.S.C. Section 503 (Military Code)

No Child Left Behind Act of 2001