

## 347 – RULE(1) GUIDELINES FOR THE CONTROL AND MAINTENANCE OF STUDENT RECORDS

### Definitions

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

- a. Progress records include a statement of the courses taken, grades awarded therein, the student's extracurricular activities, the student's immunization records and the student's attendance records.
- b. Behavioral records include psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, student physical health records other than immunization records, law enforcement agency records and any other student records that are not progress records.
  - (1) Law enforcement agency records include those records obtained 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) 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, and (4) 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 upon request of the superintendent or designee, subject to the agency's official policy. The District may also enter into an interagency agreement with law enforcement and other appropriate agencies to provide for the routine disclosure of record information in accordance with state law provisions. If a law enforcement agency denies access to any of the aforementioned records, the District may file a petition with the court seeking access to the records based on legitimate educational or safety interests in the records.
  - (2) Law enforcement unit records include those records maintained by a law enforcement unit of the District that were created for the purpose of law enforcement. A "law enforcement unit of the District" is an individual, office, department, division or other component of the District that is authorized by the Board of Education to do any of the following: 1) enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement of any law or ordinance against any person other than the school district, and/or 2) maintain the physical security and safety of a public school.
  - (3) 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 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.
- c. Student physical health records 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.

- d. Patient health 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. The following information is designated in the District as directory data and may be released upon request in accordance with law and District procedures: Student's name, present address, major field of study, participation in activities and sports, weight and height of members of athletic teams, photographs, degrees and awards received, name of school most recently attended.

## Confidentiality

Individuals collecting or using personally identifiable information in the district will receive training or instruction regarding security and state and federal confidentiality requirements.

All student progress and behavioral records are confidential, with the following exceptions:

- a. A student, or the parent(s)/guardian(s) of a minor student, shall, upon request, be shown and provided with a copy of the student's progress records. The inspection of progress records by the parent(s)/guardian(s), minor student, or adult student must take place in the presence of a designated school employee. Initial copies of student records will be provided on request at no cost and within a reasonable time period after inspection. Additional copies may be provided at a cost of 15 cents per page.
- b. An adult student, or the parent(s)/guardian(s) 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(s)/guardian(s) shall, upon request, be provided with a copy of the behavioral records.
- c. Student records shall be disclosed at the request or order of a court. The District shall make a reasonable effort to notify the parent(s)/guardian(s) or adult student of the order in advance of compliance therewith, except as otherwise provided by law.
- d. If school attendance is a condition of a student's dispositional order under state law, the Board shall notify the county department that is responsible for supervising the student within five days after any violation of the condition by the student.
- e. 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 record is disclosed to a law enforcement agency for purposes of truancy, the student's parent(s)/guardian(s) shall be notified of that disclosure as soon as practicable after the disclosure.
- f. A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that: (1) the student is under investigation for arson, (2) the student's attendance record is necessary for the fire investigator to pursue his/her investigation, and (3) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.
- g. Student records must be disclosed to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records: 1) concern the juvenile justice system and the system's ability to effectively serve the student, 2) relate to an ongoing investigation, or 3) pending delinquency petition, and 4) that they will not be disclosed to any other person except as authorized by law.
- h. The District may disclose student records to appropriate parties in connection with an emergency if

knowledge of the information is necessary to protect the health or safety of any individual. In making this determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from student records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. The District shall record the following information when it discloses student record information under this exception: 1) the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure, and 2) the parties to whom the District disclosed the information.

- i. The District may disclose student records to a city attorney, corporation counsel, agency as defined in section 938.78(1) of the state statutes, intake worker under section 48.067 or 938.067 of the statutes, court of record, municipal court, private school or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as otherwise authorized by law. This disclosure can be made for any purpose concerning the juvenile justice system and the system's ability to serve a student prior to adjudication.
- j. The school district clerk or his/her designee shall make student records available for inspection or, upon request, disclose the contents of student records to authorized representatives of the Department of Corrections, the Department of Health and Family Services, the Department of Justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under chapter 980 (sexually violent persons commitment), if the student records involve or relate to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding is pending may issue any protective orders that it determines are appropriate concerning student records made available or disclosed under this provision. Any representative of the Department of Corrections, the Department of Health and Family Services, the Department of Justice, or a district attorney may disclose information obtained under this provision for any purpose consistent with any proceeding under chapter 980.
- k. Student records shall be made available to school district officials who have been determined by the Board to have legitimate educational interests, including safety interests, in such 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 an attorney, auditor, medical consultant or therapist); 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 interest" if the official needs to review a student record in order to fulfill his/her professional or district responsibilities.
  1. Law enforcement records 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 students enrolled in the District.

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.

Law enforcement unit records may be made available to school officials under the same conditions as outlined above regarding access to law enforcement agency record information.

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, or as the sole basis for taking any other disciplinary action against a student, including action under the District's co-curricular code.

- l. 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 portion of the behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the adult student or by the parent or guardian of a minor student in the written permission form.
- m. 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 a witness's credibility or competency. The District shall make a reasonable effort to notify the parents/guardians or adult student of the subpoena in advance of compliance therewith, except when otherwise provided by law.
- n. The Board may provide the DPI or any public officer with any information required under Chapters 115 to 121 of the state statutes. 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 is required to determine compliance with state law provisions.
- o. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the IEP team under state and federal law.
- p. Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.
- q. Upon request, the names of students who have withdrawn from school prior to graduation shall be provided 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 Children and Families or a county department under sections 46.215, 46.22 or 46.23 of the state statutes.
- r. Except as otherwise provided below, directory data may be disclosed to any person, if the school has (a) notified the adult student or parent/legal guardian of a minor student of the categories of information which it has designated as directory data, (b) informed such persons that they have 14 days to inform the school that all or any part of the directory data may not be released without their prior consent, and (c) allowed 14 days for such persons to inform the school in writing that all or any part of the directory data may not be released.

Parents/guardians will complete their Directory Data consent intent on an annual basis through the "Online Enrollment Verification" process via the Student Database Management system. If no request to withhold directory data is received, directory data will be released in accordance with federal and state law. The District will not release directory data earlier than 14 days after the Online Enrollment Verification process opens, or after the District has been otherwise restricted from doing so by the adult student or parents/guardians submitting a written request in this regard.

1. If the District has followed the notification procedure outlined above, and the adult student or parent/legal guardian does not object to the directory data being released, a 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 school year.
2. If the District has followed the notification procedure outlined above, and the adult student or

parent/ legal guardian does not object to the directory data being released, the Board Clerk or his/her designee shall, upon request, provide any representative of a law enforcement agency, city attorney, district attorney or corporation counsel, county department under sections 46.215, 46.22, or 46.23, 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.

3. Directory data shall not be released for commercial or promotional purposes. "Commercial" shall be defined as the intent or design to make a financial profit or gain. "Promotional" shall be defined as contributing to the growth or prosperity of the party making the request.
  4. Directory data may be released to organizations such as colleges and universities, technical colleges and armed forces recruiters when the request is for educational or career opportunity purposes.
  5. A secondary school student or the parent of the student may request through the Online Enrollment Verification process that the student's name, address and telephone listing not be released to military recruiters or institutions of higher education without prior written parental/adult student consent. Requests of this nature will be honored by our district.
- s. The 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 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.
  - t. The Board shall, on or before August 15 of each year, report to the appropriate county departments under sections 51.42 and 51.437 the names of students who reside in the district, are at least 16 years of age, are not expected to be enrolled in an educational program two 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)/guardian(s) of such students shall be contacted to obtain informed consent prior to making such a report.
  - u. Student patient health care records 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. Student patient health care records maintained by the District may only be released without informed consent to a district employee or agent if he/she is responsible for the preparation or storage of such records or access to such records is necessary to comply with a state or federal law requirement. Any student record that concerns the results of a test for the presence of human immunodeficiency virus (HIV) shall be confidential and may be disclosed only with the informed written consent of the test subject or his/her authorized representative.
  - v. The District shall, upon request, provide student disciplinary records necessary for purposes of student enrollment in another public school district as permitted by law. These records may 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 proceedings.

## **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).

## **Amendment of Records at Parent's/Guardian's Request**

A parent(s)/guardian(s) or adult student who believes that information contained in the student's records is inaccurate, misleading, or otherwise in violation of the student's rights of privacy may request in writing that the District amend the records. Within a reasonable time after receiving the request, the District shall decide whether to amend the records in accordance with the request and inform the parent(s)/guardian(s) or adult student of the decision.

If the District refuses to amend the records, it shall inform the parent(s)/guardian(s) or adult student of the refusal and advise him/her of the right to a hearing. The request for a hearing shall be filed in writing with the District Administrator or designee. The parent(s)/guardian(s) or adult student shall be given notice of the date, place, and time of the hearing reasonably in advance of the hearing.

The parent(s)/guardian(s) or adult student shall be informed of the decision within a reasonable period of time after the hearing. If the District decides that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the education records of the student shall be amended accordingly. If the District decides that the information is not inaccurate, misleading or otherwise in violation of the student's privacy rights, the parent(s)/guardian(s) or adult student shall be informed of the right to place a statement commenting upon the information in the education records and/or describing reasons for disagreeing with the decision of the District. The explanation shall be maintained as part of the records as long as the record or contested portion is maintained by the District. If the records of the student, or the contested portion are disclosed to any party, the explanation shall also be disclosed to that party.

## **Maintenance, Disclosure, and Destruction of Records**

- a. While students are attending school, their progress, behavioral, and health records will be maintained in the school of attendance while special education records in their original form are maintained at the District central administrative office. Law enforcement unit records, pupil services records, and student physical health and patient health care records shall be maintained separately from a student's other student records. 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 will be maintained in accordance with the Wisconsin General Records Schedules. Pupil records are the property of the District, and will be maintained by the school until a transfer request is received from another school or school district at which the pupil has enrolled.
- b. The building principal shall have primary responsibility for maintaining the confidentiality of all student records kept at the school. Except as otherwise provided, all requests for inspection or for transfer to another school district should be directed to the building principal who will determine whether inspection or transfer is permitted under state and federal law and these procedures. Upon transfer of student records to the central administrative office, the District Administrator or his/her qualified designee shall assume these duties.
- c. Records should be kept under lock and key at all times, under the supervision of the designated employee. Computerized data banks pose special problems of maintenance, security and access. Any procedures developed for handling information located in computerized data banks shall be in accordance with all procedures outlined herein.
- d. The Director of Pupil Services shall be responsible for reviewing records of students with disabilities

before they are destroyed. Parents/guardians 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.

- e. A record of each request for access to and each disclosure of personally identifiable information from the education records of a student 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(s)/guardian(s) of adult students;
  - A school official;
  - A party with written consent from the parent(s)/guardian(s), or adult student;
  - A party seeking or receiving 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; or
  - A party seeking directory data.

### **Transfer of Student Records**

Progress, behavioral, health, and special education records relating to a specific student shall be transferred to another school or school district no later than the next working day of receipt of notice as follows:

- a. upon written notification from an adult student or the parent(s)/guardian(s) of a minor student that the student intends to enroll in a school in another school district;
- b. upon written notification from the other school district that the student has enrolled; or,
- c. upon written notification from a court that a student has been placed in a secured correctional facility, secured child caring institution, or a secured group home.

### **Complaints Regarding Alleged Noncompliance With Federal Requirements**

Adult students or parents/guardians of minor students 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).

### **Annual Public Notice**

Parents/guardians 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 or otherwise in violation of the students' rights of privacy; (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 which 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 and Compliance office of the U.S. Department of Education.

Parents/guardians of secondary school students shall also be notified of their option to request the District not to release the secondary school student's name, address or telephone listing to military recruiters or institutions of higher education without prior written parental consent.

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

LEGAL REF.:	Wisconsin Statute Sections	48.396	
		115.792	115.812(2)
		118.125	118.126

118.127	118.51(8)
118.52(10)	146.81 – 146.84
252.04	252.15
767.41(7)	938.396
950.08(2w)	

Chapter 19, Subchapter IV

Family Educational Rights and Privacy Act [20 U.S.C. Section 1232g, 34 C.F.R. Sec. 99]

Individuals with Disabilities Education Act [34 C.F.R. part 300]

Elementary and Secondary Education Act [20 U.S.C. § 7908]

National School Lunch Program

No Child Left Behind Act of 2001 (Section 9528)

Protection of Pupil Rights Provision of General Education Provisions Act

U.S.A. Patriot Act

Wisconsin Act 309

CROSS REF.: 347 – Student Records  
347 Rule (2) – Student Records Files  
347 Exhibit – Request to Disclose Directory Information  
823 – Access to Public Records  
(WI DPI Publication) - Student Records & Confidentiality  
Wisconsin General Records Schedules

APPROVED: November 11, 1974

REVISED: September 1985  
September 1993  
April 9, 2001  
September 9, 2002  
September 12, 2011  
September 8, 2014  
August 10, 2015  
November 12, 2018  
June 14, 2021  
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