

STUDENT RECORDS

I. LEGAL BASIS

The adequate and appropriate collection, maintenance, and dissemination of records is a fundamental requirement in public schools. This policy is a statement regarding the access to, and collection security, dissemination, and challenging, and maintenance of pupil records in the Deerfield Community School District. This policy statement is based upon the following:

Section 118.125 of the Wisconsin Statutes.

Section 438 of P.L. 93-380, Family Educational Rights and Privacy Act of 1974, which is an amendment to the General Educational Provisions Act 90-247.

Sections 99.1-99.67 of the Rules and Regulations to Section 438 of P.L. 93-380.

Section 615(b)(1)(A) of P.L. 94-142, Education of the Handicapped Act of 1975.

Sections 121a560-121.574 of the Rules and Regulations to P.L. 94-142.

For the purposes of this policy statement, legal guardian may be substituted for parent. In addition, when a student has attained 18 years of age, he/she shall be considered an adult and shall be the person whose authorization is required in matters relating to pupil records.

II. IDENTIFICATION OF RECORDS

Pupil records as identified by Wisconsin Statutes are those records relating to individual pupils which are maintained by elementary, middle, or secondary schools. ⁽¹⁾ Pupil records are made up of:

A. Progress Records are to include:

1. Student grades
2. A statement of courses a pupil has taken
3. The pupil's attendance records
4. Records of the pupil's extracurricular activities ⁽²⁾

B. Behavioral Records are to include:

1. Group Data
 - a. Psychological tests
 - b. Achievement Tests
2. Individual Data
 - a. Psychological
Results of personality inventories
Records of conversations
Written statements relating specifically to a student's behavior ⁽³⁾

Health records
M-Team
Discipline notices, information including parent permissions, M-Team plans, individual reports, placement notices, and IEPs
Any other records which are not progress

According to the above named statute, there are two types of records which are not identified as pupil records and, therefore, are not subject to the restrictions stated in this policy. ⁽⁴⁾ These two exceptions are:

1. Notes or records maintained for personal use by a teacher or other certified persons if such records are not made available to others.
2. Records necessary for, and available only to, persons involved in the psychological treatment of a pupil.

Additional exceptions are defined in Section 99.3 of the Rules and Regulations to Section 438 of P.L. 93-380, Family Educational Rights and Privacy Act of 1974.

III. ORGANIZATION OF PUPIL RECORDS

Available within each school center is a listing of the types and locations of all pupil records collected, maintained, or used by that particular center. Any pupil records maintained by district employees within a building will be included in this listing (with the exception of personal notes and records used in the psychological treatment of a child). This listing would include records maintained by such personnel as the principal, psychologist, nurse, counselor, special education teacher, regular education teacher, speech clinician, etc. A copy of this listing is available to parents upon request. ⁽⁵⁾

III. MAINTENANCE, SECURITY, AND DESTRUCTION OF PUPIL RECORDS

- A. Responsibility: The principals within each school center have been designated by the Board of Education as the person responsible for record security, access, maintenance, dissemination, and destruction of pupil records. It is the responsibility of the principals, as the records officers, to make adequate provisions to insure the security and confidentiality of pupil records at all times. ⁽⁶⁾
- B. Security: All pupil records are treated as confidential and kept under lock and key, or in a secure fashion, at all times, no matter where they are stored. ⁽⁷⁾

To assist in coordinating the security of all pupil records, each school center maintains, for public inspection, a listing of the names and positions of those employees within that center who may have access to pupil records. In addition, each center keeps a record of all parties (with the exception of the building principal, psychologist, and guidance counselor) obtaining access to pupil records maintained by the district. This record includes the name of the party having access, the date access was obtained, and the legitimate educational interest for inspecting the records. This listing is maintained within each individual pupil record folder. ⁽⁸⁾

If pupil records contain information on more than one child, parties requesting access may inspect and review only that information which pertains to a particular child.

- C. Destruction: Progress records will be maintained for at least five years by the school district. In contrast, behavioral records will be maintained for a period of no longer than one year after the student graduates or last attends the district unless the district receives written notification from the student, or parent of a minor student, to maintain the records longer.

The district will not destroy any pupil records if there is an outstanding request to inspect or review them.

The district through its annual notice informs parents when personally identifiable information is no longer needed to provide educational services. Information no longer needed to provide services will be destroyed. ⁽¹⁰⁾

V. ACCESS TO AND DISSEMINATION OF PUPIL RECORDS

- A. To School Personnel Where the Pupil Attends: Pupil records may be made available to school officials, including teachers within the individual centers, who may have legitimate educational interest in them. These records may also be made available to persons employed in the school where the pupil attends who are required by the Department of Public Instruction to hold a certificate, license, or permit. ⁽¹¹⁾⁽¹²⁾

- B. To Parents of Pupils, Representatives of the Parents, or Pupils Themselves:

Upon request to the records officer in a given school building, an appointment shall be made within a reasonable period of time (not to exceed 45 days after the request was made) for the student, parent of a minor student, or representative of the parent, to inspect and review any or all parts of the pupil records (exceptions would be personal notes or records used in the psychological treatment of a student). It is required that behavioral records be shown in the presence of a person qualified to explain and interpret the records to the parent, representative of the parent, or student. It will be the responsibility of the records officer to determine in each individual case who is qualified to explain and interpret the available records. ⁽¹³⁾⁽¹⁴⁾

After records have been shown to the student, parent of a minor student, or representative of the parent, copies of the records may be provided, upon request, to that person. The district will charge a fee (10¢ a page) for copies of the records which are made for that person. The district will not charge a fee to do a search and/or retrieval for a pupil's records unless such search and/or retrieval results in a cost to the district in excess of \$50.00. ⁽¹⁵⁾

The district will presume that either parent has authority to inspect or review pupil records relating to his/her child unless the district has been provided with evidence that is contrary. ⁽¹⁶⁾

The district will annually inform the adult student, or parent of a minor student, of the rights accorded to them under state and federal regulations. It will be the duty of the records officers together with school administrators to determine appropriate means of so informing adult students and parents of minor students of these rights.

C. To Other School Districts: Pupil records (progress as well as behavioral) will be released to another school district within five working days if the local district receives one of the following:

1. Written notification from the adult student, or the parent of a minor student, that the student intends to enroll in that school district ⁽¹⁸⁾, or
2. Written notification from the school receiving the student that the student has enrolled.

If the local school district is going to transfer pupil records to another school district, it must make a reasonable attempt to notify the student, or parent of a minor student, of the transfer of records. Exceptions to this would be if the request for transfer were initiated by the parent or adult student or if the local district included a notice in its policies and procedures that it forwards pupil records upon request to a school in which a pupil intends to enroll. ⁽¹⁹⁾

If the local district does transfer pupil records to another school district, it must provide the parent or adult student, upon request, with copies of the records being transferred. If the parent or adult student feels that the records being transferred are inaccurate, misleading, or in violation of the student's privacy or other rights, then the district must also provide the parent or adult student, upon request, with an opportunity for a hearing regarding the records. ^{(20) (21)}

If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from pupil records of the student to each other without obtaining the written consent of the parent or adult student. ⁽²²⁾

D. To the Courts: The judge of any court of Wisconsin or of the United States shall, upon request, be provided by the school district with a copy of all progress records of a pupil who is the subject of any proceeding in that court. Under state statutes, pupil records (progress and behavioral) shall be provided to a court in response to subpoena by the parties to an action for in-camera-inspection, to be used only for the purposes of impeachment of any witness who has testified in the action. ^{(23) (24)}

The court may turn these records over to parties in the action or their attorneys if these records would be relevant and material to a witness' credibility or competency. Information about students can be furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that a reasonable attempt has been made to notify the parent or adult student of such orders of subpoenas in advance of the compliance by the school district. ⁽²⁵⁾

E. To Public Officers: Information about students may be provided to the Department of Public Instruction or any public state offices. In addition, federal law provided to authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, and the administrative head of an education agency or state educational authorities, under the provisions stated in Section 438 (b) of P.L. 93-380. ⁽²⁶⁾

F. To Other Parties: Pupil records can be reviewed or disseminated to any party not specifically covered above only if the district has received written permission from the adult student, or parent of a minor student, to release those records. The written consent must be signed and dated by the parent or adult student and include the following:

1. A specification of the records to be disclosed.
2. The purpose of the disclosure.
3. The party to whom the disclosure may be made. ⁽²⁷⁾ ⁽²⁸⁾

A copy of this written permission shall be kept in the student's behavioral record file as long as the information being released is maintained in the file. The information requested shall be made available to the person named on the permission slip on the condition that the named party will not permit any other party to have access to this information without the written consent of the adult student or the parent of a minor student.

VI. AMENDMENT OF PUPIL RECORDS

A parent, or adult student, who believes that information contained in the pupil records maintained by the district is inaccurate, misleading, or in violation of the privacy or other rights of the student may request the district to amend the information. The district will inform the parent or adult student within a reasonable period of time whether it will amend the information or it will inform the parent or adult student of the refusal and advise he/she of their right to a hearing.

The purpose of the hearing would be to provide the parent or adult student with an opportunity to challenge information contained in the pupil records to insure that it is not inaccurate, misleading, or otherwise violating the privacy or other rights of the student. ⁽³¹⁾ This hearing will be held within a reasonable period of time and the district will inform the parent or adult student ahead of time as to the date, place, and time of the hearing. ⁽³²⁾ The hearing may be conducted by any party, including an official of the school district, who does not have a direct interest in the outcome of the hearing. ⁽³³⁾ During the hearing the parent or adult student will be provided with an opportunity to present evidence as to why he/she feels the information in the pupil records is inaccurate, misleading, or in violation of the privacy or other rights of the student. The parent or adult student has the right to have an individual of his/her choice represent or assist him/her at the hearing; however, this representation would be at his/her own expense. ⁽³⁴⁾ Once the hearing is completed the district will inform the parent or adult student, in writing of its decision regarding the amendment of the contested records. ⁽³⁵⁾ The district's decision will be based solely upon the evidence presented at the hearing and will include a summary of the evidence presented and the reason for the decision. ⁽³⁶⁾

If, as a result of the hearing, the district finds that the records contained information which was inaccurate, misleading, or in violation of the student's privacy or other rights, then the contested records will be amended. ⁽³⁷⁾ If the district decides that the records are not inaccurate, misleading, or in violation of the student's privacy or other rights of the student, then the district will inform the parent or adult student of his/her rights to place a statement in the pupil records indicating the reason for his/her disagreement. ⁽³⁸⁾ This statement will be maintained and will be released along with the contested information. ⁽³⁹⁾

VI. INSERVICE

The district will provide employees having access to pupil records with training or instruction regarding the confidentiality of pupil records collected.

When implementing this policy regarding student records, the Deerfield School District does not discriminate against pupils on the basis of sex, race, religion, national origin, ancestry, creed,

pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap in its educational programs or activities.

FOOTNOTES:

1. WS. 118.125 (1) (a-c)
2. WS. 118.125 (1) (c)
3. WS. 118.125 (1) (b)
4. WS. 118.125 (1) (a)
5. WS. 121a.565
6. WS. 121a.572 (a)
7. WS. 121a.572 (d)
8. WS. 118.125 (3)
9. WS. 99.13 (a)
10. WS. 121a.573 (a & b)
11. WS. 438 (b) (a) (A)
12. WS. 118.125 (2) (b)
13. WS. 99.11 (a)
14. WS. 118.125 (2) (b)
15. WS. 99.8 (a)
16. WS. 121a.562 (c)
17. WS. 99.31-34; WS. 438 (b) (1) (B)
18. WS. 118.125 (4)
19. WS. 99.34 (a) (1)
20. WS. 9934 (a) (2)
21. WS. 99.34 (a) (3)
22. WS. 99.34 (b)
23. WS. 118.125 (2) (c)
24. WS. 118.125 (2) (f)
25. WS. 99.31 (1) (9)
26. Chapters 115 to 121
27. WS. 118.125 (2) (e)
28. WS. 99.30 (a) (1)
29. WS. 99.30 (a)
30. WS. 99.20 (c)
31. WS. 99.22 (a)
32. WS. 99.22 (b)
33. WS. 99.22 (c)
34. WS. 99.22 (c)
35. WS. 99.22 (d)
36. WS. 99.22 (e)
37. WS. 99.21 (b)
38. WS. 99.21 (c)
39. WS. 99.21 (d) (1)
40. WS. 121a.572 (c)