

## **SCHOOL DISTRICT OF WAUZKA-STEUBEN**

### **STUDENT RECORDS**

The School District of Wauzeka-Steuben, in compliance with state and federal law, maintains confidential student records. The District ensures that employees accessing confidential student records receive training in appropriate and current records retention procedures as well as confidentiality requirements. Questions pertaining to the confidentiality of student records and permitted or required disclosures should be directed to the District Administrator.

*For the purposes of this policy, “parent(s)” means natural parent(s), legal guardian(s), or guardian(s) ad litem.*

**Student records** are all records relating to an individual student maintained by the school. A “record” is any material on which written, drawn, printed, spoken, visual, or electronic information is recorded or preserved, regardless of physical form or characteristic. The District maintains several types of student records, including directory data, progress records, behavioral records, student physical health records, and patient health care records.

Student records, however, do **not** include the following:

1. Any notes or records maintained for personal use by either teachers or others permitted by law, as long as these notes or records are not available to others;
2. Records necessary for, and only available to people involved in the psychological treatment of a child;
  - In the School District of Wauzeka-Steuben, the school psychologist is qualified to provide psychological treatment. The following services constitute psychological treatment: one-on-one or group counseling services provided by our school psychologist.
3. Law enforcement unit records, which are records maintained by a law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement;
  - A law enforcement unit is any individual, office, division, department, or other component of the District that is authorized by the School Board to maintain the physical safety and security of the District, enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement against any person other than the District. In the School District of Wauzeka-Steuben, the school administrators serve as a law enforcement unit.
4. Test protocols, test instruments, and interpretive materials that do not contain personally identifiable information, such as the student’s name;
  - Answer sheets that do contain the student’s name, are student records, and may require explanation and interpretation from school staff.
  - Although technically student records, applicable law limits a parent’s right to information regarding a student’s reproductive health and HIV test results.

**Directory data** includes the following student records: Name, address, telephone listing, date and place of birth, dates of attendance, photographs, and the name of the school most recently attended by the student.

**Progress records** include the following student records: student's grades, courses taken by the student, the student's attendance record, the student's immunization records, and the student's school extracurricular activities.

- *Progress records will be maintained permanently after a student ceases to be enrolled at the School District of Wauzeka-Steuben. The District may maintain in such form as the Board deems appropriate.*

**Behavioral records** include the following student records: psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records other than his or her immunization records, and certain law enforcement officer records.

- *Behavioral records will not be maintained for more than one (1) year after the date upon which the student graduated from or last attended the School District of Wauzeka-Steuben, unless the student specifies in writing that individual behavioral records be maintained.*

**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; certain lead screening records; 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.

**Patient health care records** are all student records relating to a student's physical health that are not contained in the list of student physical health records. Any student's record concerning HIV status, however, is treated differently as described below.

### **Access to Student Records**

The School District of Wauzeka-Steuben must protect confidentiality of and allow access to student records as provided by this policy and applicable law. For example, the District must also comply with the provisions of the Children's Online Protection Act, the National School Lunch Act regarding information in student records regarding free and reduced price meal eligibility, the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPPA).

Student records shall be available only to students and their parent(s), adult students, designated school officials, and personnel who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. In situations in which a student has both a custodial and a noncustodial parent, both parents shall have access to the student's educational records unless stipulated otherwise by court order.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. School officials and personnel having such an interest include but are not limited to administrators, teachers, counselors, psychologists, social workers, paraprofessional staff, and secretaries who work in direct support of these school officials.

**Maintenance of Records**

1. A written record will be kept permanently with the file of the student of all persons, agencies, or organizations desiring access to the records of the student. This permanent record will require the signature of all persons, agencies, or organizations requesting access to the records of the student. Only the parent(s), student, and school official responsible for maintaining this record shall be allowed to see this form.

**Transfer of Records**

1. Students' records relating to a specific student shall be transferred to another school or school district upon receipt of a written notice from an adult student or the parent(s), of a minor student authorizing such transfer. According to Wisconsin law, districts are not required to acquire parent(s)'s, or adult student's consent before transferring student records to another facility.
2. Transfer of student records to any other persons, agencies, or organizations will be transferred only upon the written permission of an adult student, or the parent(s), of a minor student.

**Release of Records**

The Board authorizes the administration to:

1. Forward education records on request to a school in which a student of this District seeks or intends to enroll within five (5) business days;
2. Provide "personally-identifiable" information to appropriate parties in connection with an emergency if such knowledge is necessary to protect the health and safety of the student or other individuals;
3. Request each person or party requesting access to a student's record to abide by the Federal regulations and State laws concerning the disclosure of information to a third party.

The District will comply with a legitimate request for access to an individual student's record within a reasonable period of time but not more than forty-five (45) business days after receiving the request. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction.

The District shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, and the date of disclosure; this record itself will become part of the Student Record.

Whenever parental consent is required for the inspection and/or release of a student's educational records or for the release of directory information, either parent(s), may provide such consent unless stipulated otherwise by court order.

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent(s), without the written consent of the parent(s); or, if the student is eighteen (18) years of age or older, the written consent of the student, except to those persons or parties stipulated by the District's policy and/or those stipulated in the law.

**Directory Information**

Each year the District will provide public notice to students and their parent(s) of its intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information": student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and athletics, weight and height of members of athletic teams, dates of attendance at Wauzeka-Steuben Schools, photographs, degrees and awards received, and the name of the educational agency or institution the student has previously or most recently attended.

This directory information shall be considered public information and may be released for any purpose unless the parent(s) or adult student informs the school that all or any part of the directory information may not be released without the prior consent of the parent(s) or adult student. Once a "Request to Withhold Directory Information" form is completed, that document shall stay in effect until changed by the parent(s) or adult student.

The District will not release directory information earlier than fourteen (14) business days after the initial notice to the parent(s) or adult student, or after the District has been restricted from doing so by any of those parties. The District will comply with a legitimate request for access to directory information in a timely manner but not more than forty-five (45) business days after receiving the request. The requestor will be charged no less than \$25 and no more than the actual cost of producing the records if that cost exceeds \$25. The Principal shall determine the actual cost. The District Administrator has the right to waive the cost of producing the records when s/he feels it is necessary or appropriate.

The District may disclose directory information on former students without student or parental consent, unless the adult student has provided a written request for any or all records to be withheld.

**Rights to Examine and Amend Records**

The District Administrator shall be responsible to ensure that students and parents are adequately informed each year regarding their rights to:

1. Inspect and review the student's education records;
2. Request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
3. Consent to disclosures of personally-identifiable information contained in the student's education records, except to authorized disclosures allowed by the law;
4. Obtain a copy of the District's policy on student records.

**Legal References:** Wis. Stats. §118.125(1)(b) and (2)(j); 34 C.F.R. Part 99; 20 U.S.C. Section 1232g; 20 U.S.C. Section 1232g (b)(I)(H); 20 U.S.C. 1400 et seq.; 26 USC 152; The Family Educational Rights and Privacy Act of 1974 (FERPA); Individuals with Disabilities Education Act

**Cross References:** Policies 347-Exhibit Student Records, 823 Access to Public Records

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