

MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT
Administrative Policy and Procedure Manual

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STUDENT RECORDS

Policy

Student records shall be maintained in the interest of the student to assist the school in providing appropriate educational programs. The District shall maintain the confidentiality of personally identifiable information regarding students at collection, storage, disclosure and destruction. Student records shall be available for inspection or release only with prior approval of the parent/guardian or adult student, except in situations where legal requirements specify release of records without such prior approval.

Building principals shall have primary responsibility for the collection, maintenance and dissemination of student records in accordance with state and federal laws and administrative procedures.

Procedure

A. DEFINITIONS

1. **Student Records** include all records relating to an individual student, regardless of physical format or characteristics, and including electronic records 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 psychological treatment of a student.
2. **Progress Records** include the student's grades, a statement of the courses taken by the student, the student's attendance record, records of the student's school extracurricular activities, and the student's immunization and lead screening records.
3. **Behavioral Records** include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, discipline reporting, tests relating specifically to achievement or measurement of ability including special education or 504 eligibility, student intervention reports, gifted and talented plans, ESL/Bilingual Plans of Service, the student's physical health records other than his/her immunization and lead screening records, law enforcement records and any other student records that are not progress records.
 - a. **Law Enforcement Agency Records** include those records and other information 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 act for which a juvenile enrolled in the District was adjudged delinquent; (3) the illegal possession of a dangerous weapon by a child; and, (4) 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 any state or federal criminal laws. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the Superintendent or designee, subject to the agency's official policy. A law enforcement agency may also enter into an interagency

agreement with the District to provide for the routine disclosure of this information to the District. 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. Upon receipt of law enforcement agency information, the Superintendent or designee shall notify the student named in the records and the parent/guardian of any minor student named in the records of the information.

- b. **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.
 - 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, any 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 of Public Instruction.
 - d. **Patient Health Care Records** include any student records that relate to a student's physical health that are authored by or under supervision of a health-care provider (as defined in state law) and do not fall within the definition of student physical health records outlined above.
 - e. **Court Records** include 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.
4. **Student Directory Data** means those student records that include the student's name, address, telephone listing, photographs, date of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, year in school, dates of attendance, degrees and awards received, and the name of the school most recently previously attended by the student.
5. **Adult student** refers to any student who has attained 18 years of age.

B. CONFIDENTIALITY OF STUDENT RECORDS

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

1. **Parent/Guardian and Student Access to Student Records**

- a. An adult student or the parent/guardian of a minor student shall, upon request, be shown and provided a copy of the student's progress records.
- b. 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 student or parent/guardian may, upon request, be provided with a copy of the behavioral records.
- c. A parent, regardless of whether the parent has legal custody of the student, shall have access to a student's school records, unless the parent has been denied access to such records as outlined in state law (e.g., denied periods of physical placement with the child, ordered by the court). If a particular record contains information on more than one student, parents shall have access to the information about their child.
- d. Personally identifiable information from an adult student's records may be disclosed to the student's parent(s)/guardian, without the adult student's written consent, if the adult student is a dependent of his/her parent(s)/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.

2. **Access to Student Records (Other Than Patient Health Care Records) by District Staff and Other Designated School Officials**

- a. Student records may be made available to persons employed by the District who hold a license for providing instruction or special services to a student and to other school officials who have been determined by the Board of Education to have legitimate educational interests, including safety interests, in the student records. A "school official" is 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 of Education; 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 person 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 is considered to have a "legitimate educational interest" if the school official needs to review a student record in order to fulfill professional or District responsibilities. Building principals shall maintain an updated list of staff by name and title who have access to student records.
- b. Law enforcement agency records received by the District may be made available to those school officials with legitimate educational interests, including safety interests, in the information. If law enforcement agency 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 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/activity code.

- c. Law enforcement unit records may be made available to school officials under the same conditions as outlined above regarding access to the law enforcement agency record information.
 - d. 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 athletic/activity code.
 - e. Nothing in this procedure prohibits the use of a student's records in connection with the suspension or expulsion of the student or the use of such records by an individualized education program (IEP) team
3. **Access to Student Records (Other Than Patient Health Care Records) by Other Individuals and Agencies**
- a. Student records shall be disclosed at the request or order of a court. The District shall make a reasonable effort to notify the parent/guardian or adult student of a judicial order in advance of compliance therewith, except as otherwise provided by law.
 - b. If school attendance is a condition of a student's court dispositional order under state law, the court or, if the student is under the supervision of an agency, the agency that is responsible for supervising the student shall be notified within five days after any violation of the condition by the student.
 - c. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that: (1) the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and (2) 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/guardian shall be notified of that disclosure as soon as practicable after the disclosure.
 - d. 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.
 - e. 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.
 - f. For the purpose of providing services to a student before adjudication, the District may disclose student records to a law enforcement agency, district attorney, 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 state 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 permitted under state law.

- g. 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, the student's progress records or such portions of his/her 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/guardian of a minor student in the written request.
- h. Student records shall be provided to a court in response to 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 as otherwise provided by law.
- i. The Board may provide the Department of Public Instruction (DPI) or any public officer with any information required under chapters 115 to 121 of the state statutes. The DPI shall be provided 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.
- j. A student's immunization records shall be made available to state and local health officers to carry out immunization requirements and information from any 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 law.
- k. Upon request, the names of students who have withdrawn from school prior to graduation shall be provided to the Madison Area Technical College District Board or, for verification of eligibility for public assistance, to the Department of Workforce Development, Dane County Human Services Department or a county department under sections 46.215, 46.22 or 46.23 of the state statutes.
- l. 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 of such students shall be contacted to obtain informed consent prior to making such a report.
- m. The District shall, upon request, provide student disciplinary records necessary for purposes of student enrollment in another public school district under the open enrollment program 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.

4. **Access to Patient Health Care Records**

All student patient health care records shall be kept 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. Student patient health care records maintained by the District may be released without informed consent to a District employee or 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.

Any student record that concerns the results of a test for the presence of HIV, antigen or nonantigenic products 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 written consent of the test subject.

5. **Access to Student Directory Data**

Directory data may be disclosed to any person after the school has: (a) notified the adult student, parent, legal guardian or guardian ad litem of the categories of information that it has designated as directory data with respect to each student, (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, of all or any part of the directory data that may not be released without their consent. The District will not release directory data earlier than 14 days after the initial written notice to the adult student or parent/guardian, or after the District has been restricted from doing so by any of those parties.

- a. If the District has followed the notification procedure outlined above, and the parent/guardian or adult student does not object to the directory data being released, the District shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the Madison Area Technical College District Board.
- b. If the District has followed the notification procedure outlined above, and the parent/guardian or adult student does not object to the directory data being released, the District 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.
- c. The District shall comply with requests by military recruiters and institutions of higher education for secondary school students' names, addresses and telephone numbers. A secondary school student or the parent/guardian of a student may request that the student's name, address and telephone number not be released to military recruiters or an institution of higher education without prior written parental consent.

The District shall notify parents/guardians 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.

When reviewing student directory data requests, as well as when implementing other provisions of these procedures, consideration shall be given to applicable provisions of the public records law and the District's policy and procedures dealing with public records.

C. MAINTENANCE, RELEASE, TRANSFER AND DESTRUCTION OF STUDENT RECORDS

1. While students are attending school, their records including academic, health and behavioral records, will be maintained in the school of attendance. The Director of Student Services will maintain original special education records. A copy of these records is maintained at the building. Upon transfer of the student to another school operated by the District, the building records shall be transferred to that school. When a student ceases to be enrolled in a school operated by the District, his/her records will be placed in non-active files.
2. All student records shall be maintained in locked files. Law enforcement agency records received by the District, law enforcement unit records and patient health care records shall be maintained separately from other student records.
3. The building principal shall have responsibility for maintaining the confidentiality of all student records kept at the school. The Director of Student Services shall have responsibility for maintaining the confidentiality of special education records for students currently receiving special education. Requests for inspection of records will be responded to by the building principal or Director of Student Services without unnecessary delay and in no case, no more than 45 working days after the request is received by District. There may be a charge for copies of student records consistent with legal requirements and the District's access to public records procedures.
4. Each time a student's file is accessed, a record of that access will be placed in the student's file. This record will include the name of the party, date access was given and the purpose for which the party was authorized to use the record. Such record shall be maintained with the student's other records and is subject to inspection. This requirement does not apply if the access request was from or the disclosure was to:
 - a. the parent/guardian or adult student;
 - b. a school official;
 - c. a party with written consent from the parent/guardian or adult student;
 - d. a party seeking directory information; or
 - e. 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 furnished in response to the subpoena not be disclosed.

5. The District shall transfer student records relating to a specific student if it has received written notice:
 - a. from an adult student or the parent/guardian of a minor student that the student intends to enroll in a school in another school district;
 - b. from the other school district that the student has enrolled; or
 - c. from a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.

Progress and behavioral records relating to a specific student shall be transferred within five working days of receiving the request. A copy of the student's progress records shall be transferred and a copy of the student's progress records shall be retained by the District for the period of time required by law.

6. Student progress records shall be destroyed five years after the student graduates from Middleton High School or last attended school in the District.
7. All student behavioral records not transferred shall be destroyed one year after the date the student graduates from or last attended school in the District, unless the adult student or the parent/guardian of a minor student requests that the records be maintained for a further specified period of time.
8. The Director of Student 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.

D. AMENDMENTS TO STUDENT RECORDS

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 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 45 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 45 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 rights of the student. A hearing held under this section must be conducted according to procedures outlined in federal regulations.

5. If, as a result of the hearing, the District 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 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 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:
 - a. 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,
 - b. Be disclosed to any party if the records of the student or the contested portion, are disclosed to any part.

E. 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).

F. ANNUAL NOTIFICATION OF STUDENT RECORDS POLICY

Parents/guardians and adult students will be notified annually of the existence of the student records policy and procedures and where copies can be obtained. In addition, they shall be notified of the following:

1. their rights to inspect, review and obtain copies of student records;
2. their rights to consent to the disclosure of the student's school records, except to the extent state and federal laws authorize disclosure without consent;
3. the categories of student record information which have been designated as directory data and their rights to deny the release of such information;
4. their rights to request the amendment of student records if they believe they are inaccurate, misleading or otherwise in violation of the student's privacy rights; and,
5. their right to file a complaint with the Family Policy and Regulations Office of the U.S. Department of Education.

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

The notice shall be distributed to parents/guardians and adult students at the beginning of each school year. When a student transfers into the District after the above notice has been given, the student and his/her parent(s)/guardian shall receive a copy of the notice at the time and place of enrollment.

Provisions will be made to effectively notify parents/guardians whose primary language is other than English.

LEGAL REF.: Sections 115.812(2) Wisconsin Statutes
118.125
118.126
118.127
118.128
146.81-146.83
252.15
767.24(7)
938.355(2)
938.396
Family Educational Rights and Privacy Act [20 U.S.C. Section 1232g, 34 C.F.R. Part 99]
Individuals with Disabilities Education Act and its implementing regulations (34 CFR 300.560-576)
No Child Left Behind Act of 2001(Section 9528)
Protection of Pupil Rights Provision of General Education Provisions Act (20 USC 1232h)
U.S.A. Patriot's Act

CROSS REF.: Exhibit 347, Student Records Notice
333, Parent Rights and Access to the Curriculum and Instructional Materials
343.7, Student Surveys
343.6, Videotaping and/or Photographing of Students
345.1, Evaluation of Student Achievement
345.2, Student Progress Reporting
345.6, Graduation Requirements
346, Assessment Program
363.2, Acceptable Use of the Internet and Other Computer-Related Technologies
420, School Admissions
423, Public School Open Enrollment
431, Student Attendance
453.1, Emergency Nursing Services
453.2, Immunizations
453.4, Administration of Medication to Students
823, Access to Public Records
Special Education Policy and Procedure Manual

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MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

Administrative Policy and Procedure Manual

Exhibit 347

STUDENT RECORDS NOTICE

The Middleton-Cross Plains Area School District maintains student records for each student attending school in the District. These records include: (1) **student progress records** - courses taken, grades, attendance, immunizations, extracurricular activities, and (2) **student behavioral records** - psychological tests, personality evaluations, records of conversations, any written statements relating to an individual student's behavior, discipline reporting, tests relating specifically to achievement or measurement of ability, student physical health records other than his/her immunization and lead screening records, law enforcement records obtained by the district and other student records that are not progress records.

State and federal laws require that the maintenance of student records assure confidentiality. Accordingly, the following shall apply in the District:

- (1) An adult student, or the parent(s)/guardian of a minor student, has the right to inspect, review and obtain copies of the student's school records upon request in accordance with established District procedures. The District will respond to such requests without unnecessary delay (no more than 45 days). Copies of the District's student records procedures are available upon request at the District Administrative Center, 7106 South Avenue. Regular office hours are: 7:45 a.m. – 4:30 p.m. Summer hours may vary.
- (2) An adult student, or the parent(s)/guardian of a minor student, has the right to request the amendment of the student's school records if he/she believes the records are inaccurate, misleading or otherwise in violation of the student's privacy rights. Complaints regarding the content of student records may be made in accordance with established District procedures. Copies of the District's procedures are available upon request as outlined above.
- (3) An adult student, or the parent(s)/guardian of a minor student, has the right to consent to the disclosure of information contained in the student's school records, except to the extent that state and federal laws authorize disclosure without consent. One exception that permits disclosure without consent is disclosure to persons required by law to hold a license for providing instruction or special services to a student and to other school officials who have been determined to have legitimate educational interests, including safety interests, in the student records. A "school official" is a person 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 of Education; 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 person 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 school official needs to review a student record in order to fulfill his/her professional or District responsibility.

The District shall transfer a student's records to another school or school district without consent upon request in accordance with state law. District procedures outline the specific reasons for disclosure without consent and are available upon request as outlined above.

- (4) An adult student, or the parent(s)/guardian of a minor student, has the right to file a complaint with the U.S. Department of Education for alleged District noncompliance with federal Family Educational Rights and Privacy Act (FERPA) requirements. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Further, the following student record information has been designated as directory data: student's name, address, telephone listing, photographs, date of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, year in school, dates of attendance, degrees and awards received and the name of school most recently previously attended by the student. This information may be disclosed to any person unless the adult student, or parent, legal guardian or guardian ad litem of a minor student informs the school that all or any part of the directory data may not be released without the prior consent of the adult student, parent, legal guardian or guardian ad litem. The District will not release directory data earlier than two weeks (14 days) after receipt of this notice or after the District has been restricted from doing so by any of those parties.

Secondary School Students

A secondary school student or the parent/guardian of the student may request that the student's name, address and telephone number not be released to military recruiters or institutions of higher education without prior written parental consent. The District shall comply with such request.

Unless access to such information has been restricted by the secondary school student or the student's parent(s)/guardian as outlined above, the District shall provide access to secondary school students' names, addresses and telephone numbers, on request made by military recruiters or an institution of higher education. The District shall also provide military recruiters the same access to secondary school students as provided generally to post-secondary educational institutions or to prospective employers of those students.

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