

## STUDENT RECORDS

Pursuant to Section 438 of the General Education Provisions Act, [s. 118.125, Stats], PI 11.05 of Wisconsin Administrative Code, and Section 121 a.560-576 of the federal regulations, it is the policy of Darlington Community School District to insure the confidentiality of student records and personally identifiable information. Individual student records will be maintained in the following locations:

- A. Progress Records: K-8 at Darlington Elementary/Middle School School Counselor office; 9-12 at Darlington High School guidance office.
- B. Behavioral Records: Cumulative records are at the student's attendance center;
- C. Special Education Records: Darlington Elementary/Middle School psychologist office.

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## CONTENT OF STUDENT RECORDS AND DEFINITIONS

Individual student records shall include all records relating to an individual student other than notes or records maintained for the personal use of teachers or other certified personnel which are not available to others and records necessary for and available only to persons involved in psychological treatment of a student.

### A. Progress Records (Permanent Records)

records maintained by the school which include grades, statement of courses taken by the student, the student's extracurricular activities and the student's attendance record/dates.

### B. Behavioral Records

1. Cumulative Records: pupil records which include student's physical health records, group tests relating specifically to achievement or measurement of ability, teacher comments relating to classroom progress/behavior, and any other pupil records which are not progress records or Special Education records.
2. Special Education Records: pupil records which include referral information, parental consent, I-Team evaluations and findings and reports, individual evaluation reports (including psychological and personality), IEP placement information, medical information related to the I-Team process, and any other information relating to the I-Team process.
3. Directory Information - includes the following information relating to a student: name, address, phone number, date and place of birth, major field of study, participation in activities and sports, dates of attendance, degrees and awards received, the most previous attended educational institute, and similar information. This information may be disclosed as directory information if so designated as such. A parent of an eligible student must inform the school district/agency in writing the period of time in which personally identifiable information is not to be designated as directory information.
4. Personally Identifiable Information - "Personally identifiable" means that the data or information includes (a) the name of a student, the student's parent or other family member, (b) the address of the student, (c) a personal identifier, such as the student number, (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information which would make the student's identity easily traceable.
5. Parent - means parent, guardian, or other individual as appointed by the court to act on behalf of a minor child.
6. Adult Pupil - A student who has reached the age of eighteen, or is in full-time attendance at an institution of post-secondary education. He/she has the rights accorded to the parents.

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## CONFIDENTIALITY OF STUDENT RECORDS

All student records are confidential with the following exceptions:

- A. A student, or the parent or guardian of a student shall upon request be shown and provided with a copy of the student's progress records.
- B. An adult student, or the parent or guardian of the minor student shall upon request be shown the student's behavioral records in the presence of a person qualified to explain and interpret the contents of the records. Such student, parent, or guardian shall upon request be provided with a copy of the behavioral records.
- C. The judge of any court of this state or the United States shall upon judicial order or subpoena, be provided by the School District Clerk with a copy of all progress records of a student who is the subject of any proceeding in such court. In this case the adult student or the parent or guardian of a minor student shall be notified of any such order or subpoena in advance of compliance therewith by the School District Clerk.
- D. Student records may be made available to persons employed in the School District which the student attends who are required by the Department of Public Instruction under Section 115.28 (7) to hold a certificate, license or permit, and who have a legitimate education interest in the records.
- E. Upon written permission of an adult student or the parent or guardian of a minor student, the school shall make student records available to the person named in the permission form. The permission form must specify the records be provided to an adult student or to the parent or guardian of a minor student per points A and B above.
- F. A pupil's records shall be provided to a court in response to a subpoena by parties to an action for in-camera inspection and to be used only for the 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 of their attorneys if said records would be relevant and material to a witness' credibility or competency; provided, however, before such subpoena in advance of compliance to the subpoena.
- G. The School Board may provide the Department of Public Instruction, CESA #3 Special Education Services Staff, or any public officer with any information required under Chapters 115 to 121 of the Wisconsin Statutes.
- H. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the Individual Educational Team under [s. 115, Stats].
- I. Annually, on or before August 15, this District shall report to the appropriate community services board established under s.51.42 and s.51.437, Wis. Stats., the name of any child, age 16 and over, who is a district resident and is not expected to be enrolled in the school district 2 years from the date of the report, and who may require services under s.51.42 or s.51.437.

- J. The principal shall have the primary responsibility for maintaining the confidentiality of all student records kept at that school. All requests for inspection or for transfer to another school district shall be directed to the principal who will then determine whether inspection is permitted under this policy. The principal, guidance counselor, or school psychologist shall be present to interpret behavioral records when inspection is made under paragraph (III B).

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## TRANSFER OF RECORDS

Individual student records shall be transferred to another school or school district within the next working day upon receipt of written notice from an adult student or the parent or guardian of a minor student that the student intends to enroll in another school or school district, or upon written notice from the other school or school district that the student has enrolled, or a court order that the pupil has been placed in a secure correctional facility, child caring institution, or group home.

District policy also provides that before student records are transferred, an adult student or the parent or guardian of a minor student shall be notified of the transfer, receive a copy of the record if desired and have an opportunity for a hearing to challenge the content of the records (see section VI of this policy). This School District shall annually give notice via posting of a Class I Notice to inform parents or adult students of the rights regarding student records. Provisions shall be made to effectively notify parents if their primary language is other than English.

Ref: Wis. Stat. Sec. 118.125 (4)

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## ACCESS TO RECORDS

This School District shall:

- A. Permit adult students or the parent/guardian of minor students to inspect and review any education records relating to their children that are collected, maintained, or used by this School District. This District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.
- B. The rights to inspect and review education records include:
  - 1. The right to a response regarding reasonable requests for explanations and interpretations of the records.
  - 2. The right to request that the school provide copies of the records containing the information at a reasonable charge.
  - 3. The right to have a representative of the parent inspect and review the records.

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## MAINTENANCE AND DESTRUCTION OF RECORDS

Individual student records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the District, the records will be transferred to that school. When an individual student ceases to be enrolled in a school operated by the School District, his or her records will be processed as follows:

- A. No behavioral records may be maintained for more than one year after the date upon which the pupil graduated from or last attended the school, unless the adult student or the parent or guardian of a minor student specifies in writing a request that individual behavioral records be maintained.

This policy of the School Board shall be published as a Class I Notice for public inspection. Note: Parents and students will be informed in advance of the School District's intent to destroy records or portions of records and will be apprised of subsequent possible users of the portions to be destroyed.

- B. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed, otherwise known as progress records, will be maintained indefinitely, with periodic review and destruction of records on a five year basis.
- C. Records held jointly by this District and CESA #3 Special Education Services will be destroyed simultaneously as per the above guidelines following communication with CESA #3.

## CHALLENGE OF CONTENT OF STUDENT RECORDS

An adult student or the parent/guardian of a minor student shall have an opportunity for a hearing to challenge the content of both progress and behavioral records alleged to be inaccurate, misleading or otherwise inappropriate. If, as a result of the hearing, the complainant is not satisfied, an adult student or the parent/guardian of a minor student may appeal to the School Board for a hearing. The appeal must be made to the School District administrator within five days of the informal hearing. The president of the School Board shall then schedule a hearing within 30 calendar days of this request. Such hearing will be private unless a public hearing is requested by the complainant. If the decision is against the complainant, request made by the adult student, parent/guardian of a minor student, the Board shall inform the parent or guardian or adult student of the right to place in the education records of the student a statement challenging/explaining upon the information in the education records and outlining any reasons for disagreeing with the Board's decision.

The statement of disagreement of the Board's decision shall be maintained as part of the student's record as long as the records are maintained by this School District. If the student's records or parts of the records are disclosed to another party, then the statement of disagreement shall also be disclosed to that party.

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