

STUDENT RECORDS

1. Definitions

- a. **Student Records**
Student records include all records relating to an individual student which are maintained by the school. Student records do not include, however, notes or records maintained for personal use by a teacher or person who is required by the state superintendent to hold a certificate, license or permit if such records and notes are not available to others. Student records also do not include records necessary for, and available only to persons involved in, the psychological treatment of a student.
- b. **Progress Records**
Progress records are student records which include the student's grades, a statement of the courses the student has taken, the student's attendance record, the student's immunization records, any lead screening records required under s. 254.162 and records of the student's school extracurricular activities.
- c. **Behavioral Records**
Behavioral records include all student records other than progress records. This may include, for example, behavioral 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, the student's physical health records, other than the student's immunization records or any lead screening records required under s. 254.162, and law enforcement officers' records obtained under 48.396(1) or 938.396(1) or (1m).
- d. **Physical Health Records**
Student physical health records include student records that 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 required under s. 254.162, 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.
- e. **Eligible Student**
The term "eligible student" refers to a student who is eighteen (18) years of age or older.

2. Confidentiality

The School District must take all reasonable precautions to safeguard the confidentiality of student records. This includes physical and logical security measures. The administration will periodically assess the adequacy of the district's computer networks and other systems to prevent unauthorized access, hacks, or destruction of data due to computer viruses. The administration must notify the school board immediately upon learning that the confidentiality of student records has been compromised.

The building principal shall have primary responsibility for maintaining the confidentiality of student records kept at his or her school. All student records are confidential, with the following exceptions:

- a. The School District of New Berlin has the option under Federal and State Law of designating certain categories of student information as "directory information." The District "directory information" includes the following items:
 - Student's name

- Grade level
- School
- Participation in officially recognized activities and sports
- Height and/or weight, if a member of a sports team
- Date of graduation
- Photographs
- Degrees and awards received

An eligible student, parent, legal guardian or guardian ad litem of any District student may direct the District, by sending a letter to the building administration, that any or all “directory information” shall not be released by the District without the prior consent of an eligible student, parent, legal guardian or guardian ad litem. If the District does not receive such a letter within fourteen (14) days of publication of the District’s annual public notice, “directory information” may be disclosed without parental consent. Any previous letter or notice or file to withhold “directory information” is now void. Such correspondence should be directed to the building administration.

“Directory information” may be released to organizations and/or institutions for school-related and/or School District-related purposes only including school publications such as yearbook, team rosters, etc.; School District-sponsored publications; and/or media.

In accordance with Federal and State law, students’ names, addresses and telephone listings will also be provided, without prior consent, to military recruiters and institutions of higher education, upon request, unless a student, parent, legal guardian, or guardian ad litem submits a written request that such information not be released without prior written parental consent. Such correspondence should be directed to the building administration.

- b. A student, or the parent or guardian of a minor student, shall, upon request to the building administration be shown and provided with a copy of the student’s progress records within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made.
- c. An adult student, or the parent or guardian of a minor student, shall, upon request to the building administration, be shown the student’s behavioral records in the presence of a person qualified to explain and interpret the records. Such student or parent or guardian shall, upon request, be provided with a copy of the behavioral records. Such requests shall be granted within a reasonable period of time, but in no case more than forty-five days after the request has been made.
- d. If an adult student is a dependent of his or her parent or guardian for tax purposes (as defined under 26 USC 152), the parent or guardian of the adult student shall be shown, upon request, the adult student’s student records unless the adult student has informed the school in writing that the information may not be disclosed.
- e. The judge of any court of this state or of the United States shall, upon request, 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. The School District shall make a reasonable effort to notify the parents and the student of the request and the records subject to the request before complying with a court order.
- f. The School District clerk or his or her designee shall provide a law enforcement agency with a copy of the 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

pupil's attendance records except as permitted under s. 938.396(1) to (1x). The student's parent or guardian shall be notified of any such disclosure of the student's attendance record as soon as practicable after the disclosure.

- g. The School District clerk or his or her designee shall provide a fire investigator under s. 165.55(15) with a copy of a student's attendance record if the fire investigator certifies in writing that the student is under investigation under s. 165.55, that the student's attendance record is necessary to pursue the investigation, and that the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.
 - h. Student records shall be made available to persons employed in the school which the student attends who are required by the Department of Public Instruction under s. 115.28(7) to hold a license and other School District of New Berlin officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the student records.
 - i. 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 portions of the student's behavioral records as determined by the person authorizing the release. Such written and signed release must specify the records that may be disclosed, state the reasons for the disclosure, and state the name and address of the person to whom the records may be disclosed. Law enforcement officers' records may not be disclosed unless specifically identified in the written and signed release. A copy of the records disclosed shall be furnished to the student or parent or guardian upon request.
 - j. 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 record(s) over to parties in the action or their attorneys if said records would be relevant and material to a witness' credibility or competency.
 - k. The School Board may provide the Department of Public Instruction or any public officer with any information required under Chapters 115 to 121 of the Wisconsin Statutes.
 - l. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the multidisciplinary team under Ch. 115 of the Wisconsin Statutes. Law enforcement officers' records, however, may not be used as the sole basis for expulsion, suspension or other disciplinary action.
 - m. Information from a student's immunization records shall be made available to the department of health and family services to carry out the purposes of Sec. 252.04. Information from any student lead screening records shall be made available to state and local health officials to carry out the purposes of Secs. 254.11 to 254.178.
 - n. The district board of the vocational, technical and adult education district shall, upon request, be provided by the School District clerk with the names of students who have withdrawn from the School District of New Berlin prior to graduation under Sec. 118.15(1)(c).
3. Amendment of Records

A parent or adult student who believes the student's records contain information that is inaccurate, misleading or in violation of the student's rights of privacy may request amendment of the record. Such a request should be directed to the building principal.

The District shall decide whether to amend the records within a reasonable time after receiving the request. If the District decides not to amend the record as requested, it will inform the parent or adult student of its decision and of his or her right to request a hearing to challenge the content of the student's education records.

If the parent or adult student so requests, the District will hold a hearing within a reasonable time. The hearing will be conducted by a District official who does not have a direct interest in the outcome of the hearing. The District shall give the parent or adult student notice of the date, time and place of the hearing and shall give the parent or adult student the opportunity to present evidence at the hearing.

Based on the hearing, if the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student it shall amend the record accordingly and inform the parent or adult student of the amendment in writing. If 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 or adult student in writing of his or her right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the district's decision. Such a statement shall be maintained with the contested part of the record for as long as the record is maintained and disclosed whenever the contested portion of the record is disclosed.

4. Maintenance and Destruction of Records

While students are attending a school in the School District of New Berlin their records will be maintained in the school of attendance. Law enforcement officers' records obtained under s. 48.396(1) or 938.396(1) or (1m) shall be maintained separately from a student's other student records.

- a. All progress records shall be maintained for at least five (5) years after the student graduates or ceases to be enrolled in the school.
- b. All behavioral records will be destroyed within one (1) year after the date the student graduated from or last attended the school unless the student specifies in writing that his or her behavioral records may be retained for a longer period.
- c. All special education records will be maintained for at least five years to show compliance with the requirements of the Individuals with Disabilities Education Act (IDEA). These records include, but are not limited to, a student's evaluations, Individualized Education Programs (IEP's), and placement offers. When a student graduates or otherwise ceases to be enrolled in the District, the School District of New Berlin will send the attached notice ("Request to Retain Special Education Records"), which seeks consent to retain special education records for at least five years for audit purposes. If the parent or adult student will not grant permission to maintain the records for five years or requests destruction of the records, the District will remove personal identifiers from the records and retain the remaining information for five years.

5. Transfer of Records

All student records relating to a specific student shall be transferred to another school or school district within five (5) working days of the date the transferring school receives either (a) written notice from an adult student or the parent or guardian of a minor student that the student intends to enroll in the other school or school district, or (b) written notice from the other school or school district that the student has enrolled.

6. Publication

This policy is published as a Class I notice provided at the beginning of the school year or through written notice from the School District.

7. Construction

This policy should be construed so as to be consistent with federal and Wisconsin state law, including Section 118.125, as it may be amended from time to time.

NOTICE CONCERNING DISCLOSURE OF STUDENT INFORMATION

An eligible student, parent, legal guardian or guardian ad litem of any District student may direct the District, by sending a letter to the building administration that any or all "directory information" shall not be released by the District without the prior consent of an eligible student, parent, legal guardian or guardian ad litem. If the District does not receive such a letter within fourteen (14) days of publication of this Notice, directory information may be disclosed by the District to requesting third parties without parental consent. Any previous letter or notice or file to withhold directory information is now void.

The District also provides military recruiters and institutions of higher education, upon request, access to high school students' names, addresses and telephone listings. An eligible student, parent, legal guardian or guardian ad litem may submit a written request to the District that such information not be released without prior written parental consent. The District will comply with any such request.

Legal reference: Section 118.125, Wisconsin Statutes
No Child Left Behind Act of 2001, § 9528
FERPA (<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)

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9/9/19