

Rule Policy 347
Procedures for the Maintenance and Confidentiality of Students Records

- I. Student Directory Data:
 - A. Unless otherwise required by law, the School District of Lodi will not disclose any of the following information without board approval and active consent of parents/guardians or adult students, provided on consent forms as part of district registration:
 1. Name
 2. Address
 3. Telephone number
 4. Date and place of birth
 5. Major or field of study
 6. Dates of attendance
 7. Academic Records
 8. Student Attendance Location

 - B. For students who are participating in officially recognized co-curricular activities or who win student awards the following information may be published with written consent of parents/guardians or adult students through verification on district consent form.
 1. Name as part of their participation in officially recognized activities sports, and/or graduation
 2. Weight and height, if a member of an athletic team
 3. Photographs
 4. Degrees, awards, and/or honor roll

- II. Within the first three weeks of each school year, the school district shall publish this policy in the official district newspaper.

- IV.III Guidelines/Procedures for Maintenance, Confidentiality and Permission to Obtain and Release Information /Form.
 1. Definitions
 - a. "Student Records" include all data directly related to an individual student, regardless of records format, other than: (1) notes or records maintained for personal use by teachers or other certified personnel which are not available to others, and (2) records necessary for and available only to persons involved in the psychological treatment of a student.
 - b. "Progress Records" maintained by the school include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's immunization records, the student's attendance record and records of the student's extracurricular activities.
 - c. "Behavioral Records" maintained by the school include psychological tests, personality evaluations, records of conversations, any written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, student physical health care records other

than immunization records, law enforcement officer records and any other student records which are not progress records.

1. Under the rules implementing Chapter 115, Subchapter V, PI 11.37(2)(e), the student behavioral records include referral information (including notices and forms); signed parental consent or refusal for evaluation; multidisciplinary team (M-team) evaluation; Individual reports and M-team findings and reports; individualized education program; placement decisions and signed parental consent or refusal; medical evaluations and prescriptions required to substantiate health treatment services; medical evaluation used to substantiate a handicapping condition; and physician's statement required for provision of special education homebound instructional services.
 2. "Law enforcement officer records" include those records and other information obtained from a law enforcement agency relating to: (a) the use possession or distribution of alcohol or a controlled substance by a student enrolled in the District, (b) the illegal possession of a dangerous weapon by a child and (c) the act for which a juvenile enrolled in the District was adjudged delinquent. Such record information may only be obtained from the law enforcement agency upon request of the District Administrator. Once the record information is received, the student named in the records and the parent of any minor student named in the records shall be notified of the information.
 3. "Court records" include those records received from a court clerk concerning a juvenile enrolled in the District who: (a) 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, (b) has been adjudged delinquent, (c) has school attendance as a condition of his/her court dispositional order, or (d) 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 physical health care 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, 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 designated state agency or officer.
 5. "Student patient records" include all records relating to the health of a student prepared by or under the supervision of a health care provider which are not included in the student physical health care records" definition above.
- d. "Directory data", as designed by the District, includes a student's name, address, telephone listing, date and place of birth, dates of attendance Academic records,

student attendance location, name as part of their participation in officially recognized activities and /or sports, weight and height, of members of athletic teams, photographs and awards

- e. "Parent" means parent, legal guardian or guardian ad litem
- f. "Adult student" means a student who has attained the age of 18.

2. Access Rights Regarding Student Progress and Behavioral Record Information.

a. Parent/Adult Student Access to Student Records

1. Parents shall be permitted to review and inspect any student records relating to their minor child, except as provided in (a) below. Student behavioral records shall be shown to the parent in the presences of a person qualified to explain and interpret the records (i.e., special education designee for EEN records). If any student record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information. Parents will be provided a copy of their minor child's records upon request.

- a. A parent, regardless of whether the parent has legal custody of the student, shall have equal access to the student's medical, dental and school records unless the parent has been denied access to such records as outlined by state law. (e.g., denied periods of physical placement with the student, ordered by the court).

2. Personally identifiable information from the student records of an adult student may be disclosed to the parent of the adult student without the written consent of the adult student if the adult student is a dependent of his/her parent for tax purposes (under the Federal Internal Revenue Code, 26USC). This may be done unless the adult student has informed the school, in writing, that the information may not be disclosed.
3. The District will respond to parental requests for records without unnecessary delay and in no case more than 15 working days after the request is made.
4. A list of the types and locations of student records collected, maintained or used by the District shall be provided to parents on request.
5. For purposes of Board policy and these procedures, adult students have all the rights accorded to parents concerning their own records.

- b. Minor Student Access to Progress Records – A minor student may be shown and provided with a copy of his/her progress records upon request.
- c. Access to Progress and Behavioral Records by Persons Other Than Parents/Students – The District shall provide access to a student's behavioral or progress records in the following situations:

1. The judge of any court of Wisconsin or of the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in that court.
2. If school attendance is a condition of a student's dispositional order under section 48.355(2)(b)7 or 938.358(2), the Board shall notify the county department that is responsible for supervising the student within five days after any violation of the condition by the student.
3. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law.
4. Student records shall be made available to persons who are employed in the school which the student attends and who are required by the state to hold a teacher's license and to other school district officials who have been determined by the Board, on a case-by-case basis, to have legitimate educational or safety interest in such records. For audit purposes only, the Board as a whole has access to student records for legitimate educational or safety interest.
 - a. Law enforcement AOD record information obtained by the District must be made available to District employees designated to provide alcohol and other drug abuse treatment programs and must be used to provide such programs for students. The information may not be used as the sole basis for suspending or expelling a student from school.
 - b. Law enforcement weapons possession record information obtained by the District which relates to a District student may be made available to District employees who are required by state to hold a teacher's license and to other District officials determined to have legitimate educational or safety interests in the information, The information may not be used as the sole basis for suspending or expelling a student from school.
 - c. Law enforcement weapons possession record information obtained by the District which relates to a person who is not a District student may be made available to District employees who are required by the state to hold a teacher's license and to other District officials determined to have legitimate safety interests in the information.
 - d. Law enforcement delinquency-related record information obtained by the District must be made available to District employees who are required by the state to hold a teacher's license, District officials determined to have legitimate educational or safety interest in the information, and District employees who have been designated by

the Board to provide treatment programs. The information must be used for legitimate educational or safety purposes and to provide treatment programs. The information must be used for legitimate educational or safety purposes and to provide treatment programs for students, and cannot be used as the sole basis for suspending or expelling a student from school.

- e. 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 or 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.

A Board member or District employee may not be held personally liable for any damages caused by failure to make student record disclosures to District employees as outlined above, unless the person acted with actual malice in failing to disclose the information. The District also may opt be held liable for any damages caused by nondisclosure, unless the District or its agent acted with gross negligence or reckless, wanton or intentional misconduct in failing to disclose. The District also may not be held liable for any damages caused by nondisclosure, unless the District or its agenda acted with gross negligence or reckless, wanton or international misconduct in failing to disclose the records.

5. Upon the written request of an adult student or the parent 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 officer record information may not be made available under this exception unless specifically identified by the adult student or by the parent of a minor student in the written request.
6. Student records shall be provided to a court in response to a subpoena for inspection. The court may turn said records or parts thereof over to parties in the action or to their attorneys if these records would be relevant and material to a witness's credibility or competency.
7. The board shall provide the state education agency or any other public officer with any information required under Chapters 115 to 121, which covers all aspects of public instruction under the law. The state education agency may secure student or other records which are necessary in connection with the audit and evaluation of state or federal-supported programs or in connection with the enforcement of state or federal requirements which relate to such programs.
8. Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements.

9. In the absence of a parent opt out and upon request, the Board Clerk shall provide the name and address of students who have withdrawn from school prior to graduation or are graduating in the current year to the technical college district board in which the public school is located.
 10. Upon request the Board Clerk shall provide the name of students who have withdrawn from school prior to graduation for verification of eligibility for public assistance, to the department of Health and Family Services, the Department of Industry, Labor and Job development or a county department under sections 46.215, 46.22, or 46.23 if the state statutes.
 11. A student's records shall be disclosed in compliance with a court order under Wisconsin's delinquency statutes after a reasonable effort has been made to notify the student's parent.
 12. Annually, on or before August 15, the District shall report to the appropriate community services board established under sections 51.42 and 51.437 the names of students who reside in the District, who are 16 years of age or older, who 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).
- d. Access to Student Patient Records – All student patient records shall remain 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 records may be released upon request without informed consent to a District employee or agent, with regard to patient records maintained by the District in which he/she is employed or is an agent, if any of the following apply:
1. The employee or agent has responsibility for the preparation or storage of patient health care records.
 2. Access to patient health care records is necessary to comply with a requirement in federal or state law.

Any record that concerns the results of a test for the presence 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 consent of the test subject.

For purposes of these procedures, “informed consent” means written consent that includes all the following information: (a) the name of the student whose record is being disclosed, (b) the type of information to be disclosed, (c) the name of the person(s) making the disclosure, (d) the purpose of the disclosure, (e) the individual, agency or organization to which disclosure may be made, (f) the signature of the student, if an adult, or the parent/guardian of a minor student, (g) the date on which the consent is signed, and (h) the time period during which the consent is effective.

3. Release of Student Directory Data

Except as provided below, directory data may be disclosed to any person after the school has notified the parent, adult student and the public of the categories of information which it has designated as directory data with respect to each student and has allowed 14 days for the adult student or parent of any minor student to inform the school, in writing, that all or any part of the directory data may not be released. Parents or adult students can restrict the release of directory data at any time.

- a. If the school district has followed the notification procedure outlined above, and the parent does not object to the directory data being released, the Board Clerk shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the technical college district board.
 - b. If the school district has followed the notification procedure outlined above, and the parent does not object to the directory data being released, the Board clerk shall, upon request, provide any representative of a law enforcement agency, district attorney or corporation counsel, county department under sections 46.215, 46.22 or 46.23 or a court of record or municipal court with such directory data information relating to any such student enrolled in the school 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. Administrators have the discretion to refuse the release of individual student phone numbers and addresses for the safety of the student.
 - d. Disclosure of Directory Information on students or graduates as defined in this policy may be released when required by law or with board approval and active consent obtained on the consent forms as part of the district registration process.
4. Challenge/Amendment of Student Records
- a. An adult student, or the parent of a minor student, shall have the opportunity to challenge the contents or a student's school records by making a written request directly to the building principal, or to the District administrator in the event the student is no longer enrolled in the School District. The written request shall: (1) set forth the specific portion of the school record claimed by the challenger to be in error, inaccurate, misleading or otherwise in violation of the privacy or rights of the student and (2) state the modifications(s) requested in respect thereto.
 1. If the request is made to a building principal, the principal should confer with the District Administrator concerning the request.
 2. The District Administrator, either from the information provided to him/her by a building principal or from the individual's direct request to the Administrator, shall make a written response to the adult student or parent. This response shall be within 15 days of the receipt of the written challenge by the building principal or District Administrator.
 - b. If the adult student or the parent of a minor student does not deem the response of the District Administrator sufficient to remedy the challenge, he/she may make a written request for a hearing before the Board regarding the original challenge. This

request shall be directed to the District Administrator within 15 days of receipt of the District Administrator's response.

1. The District Administrator shall, upon receipt of the request for hearing, arrange for a hearing to be held before the Board within 15 days of the receipt of the request therefore.
2. The Board shall conduct the hearing, take evidence and make its findings, conclusion and order upon the evidence submitted at the hearing, and shall notify the challenging adult student, or the parent of a minor student, of such findings, conclusion and decision within 15 days following the conclusion of the hearing.
3. If, as a result of the hearing, the Board decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and inform the adult student, or parent of a minor student, of such amendment.
4. If, as a result of the hearing, the Board decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the adult student, or parent of a minor student, of the right to place in the records it maintains on the student, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the Board.

The Board shall require that any explanation placed in the records of a student be maintained by the District as part of the records as long as the record or contested portion is maintained by the District. If the records of the student or the contested portion are disclosed by the District to any party, the explanation shall also be disclosed to that party.

- c. If an adult student, or the parent of a minor student, is not satisfied with the Board's decision regarding the challenged records, he/she may file a complaint with the Family Policy and Regulations Office of the United States Department of Education.

5. Maintenance of Student Records

- a. The building principal shall have primary responsibility for maintaining the confidentiality or student records in each school building. All requests for inspection or transfer of student records to another school district or agency shall be directed to the building principal, who will determine whether inspection or transfer is permitted under these procedures. Confidentiality provisions regarding student records apply to information maintained in record form and oral exchanges regarding the contents of such record information.
 1. Building principals shall maintain an updated list of staff by name and title who have access to student records.
 2. The District shall keep a record of parties obtaining access to student records collected, maintained or used under these procedures, except access by parents and authorized District employees whose names and positions are listed.

3. A record of access shall be maintained in each student's file. This record shall include the name of the party, date access was given, and the purpose for which the party was authorized to use the record.
 - b. While students are enrolled in school, their records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the District, the records shall be transferred to that school. When the student ceases to be enrolled in a school operated by the District, his/her records will be transferred to the Pupil Services Office.
 1. All Student records shall be maintained in locked files.
 2. Student patient records and law enforcement officer record information shall be maintained separately from a student's other records.
 6. Transfer of Student Records
 - a. All student records relating to a specific student shall be transferred to another school or school district upon receipt of written notice from:
 1. An adult student, or the parent of a minor student, that the student intends to enroll in the other school or district;
 2. Another school or school district that the student has enrolled, or,
 3. A court that a student has been placed in a juvenile correctional facility or secured child caring institution.
 - b. Records will be sent within five working days of receiving the written request.
 7. Destruction of Student Records
 - a. The special education designee shall be responsible for reviewing records of students with exceptional educational needs (EEN). Information that is no longer needed to provide educational services to the EEN student shall be destroyed after one month notification to the parents.
 - b. All behavioral records shall be destroyed one year after the student graduates or last attends school, except with written parent or adult student permission to retain them for a longer period of time. Where such permission is received, behavioral records shall be maintained for the time period specified in the written permission or , if no such time period is noted, for as long as the District's needs require.
 - c. Student progress records shall be destroyed 30 years after the student ceases to be enrolled in the District.
 8. Annual Public Notice

Parents and students shall be notified annually of the following: (a) their rights to inspect, review and obtain copies of student records; (b) the existence of the student records policy and procedures and where copies can be obtained; (c) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and, (d) their right to file a complaint with Family Policy and Regulations office of the U.S. Department of Education. Provisions shall be made to effectively notify parents when the parent's primary language is other than English.

