

SCHOOL DISTRICT OF NEW LONDON

ADMINISTRATIVE GUIDELINE 347 CONTROL, MAINTENANCE, AND CONFIDENTIALITY OF STUDENT RECORDS

- A. In accordance with Chapter 118, Section 125, Chapter 115, Wisconsin Laws of 1997, and Title V, Sections 513 and 514 of P.L. 93-380, and Wisconsin Act 292 relative to the confidentiality and maintenance of pupil records, the School District of New London hereby adopts the following rules as a matter of policy and in compliance with the provisions of the law.
- B. General.
1. Student records are maintained in the interest of the student to assist the school in providing appropriate educational experiences and are confidential subject to School Board policy.
 2. No employee of the School District of New London will divulge to any other person any information identified as confidential regarding a student that was obtained through review of a student pupil records or patient health care record, was discussed at Individualized Educational Plan (IEP) team meetings or other formal or informal meetings regarding students without the written permission of the parent or guardian of the minor student or the adult student. Failure to comply with this section could result in disciplinary action by the school district.
 3. Student records include all records relating to an individual student, regardless of format, other than: 1) notes or records maintained for personal use by teachers or other certified personnel which are not available to others; 2) records necessary for and available only to persons involved in the psychological treatment of a student; and 3) records that are required by federal law to be released upon request to military recruiters and institutions of higher education.
- C. Classification system (118.125).
1. Information and records will be classified according to the following categories:
 - a. Pupil records [118.125(d)]:
 - (1) Directory data.
 - (2) Progress records.
 - (3) Behavioral records.

- b. Patient health care record [118.125(2m)(a)(b)].
- c. Personal professional files.

D. Pupil records.

- 1. Directory data:
 - a. Name of student.
 - b. Birth date and place of birth.
 - c. Weight and height of athletic team members.
 - d. Home address and telephone number.
 - e. Parent or guardian name and address.
 - f. Parent or guardian business phone number.
 - g. Attendance data:
 - (1) Date of entrance in school.
 - (2) Previous school.
 - (3) Records of days absent.
 - (4) Date of graduation, withdrawal, or transfer.
 - (5) Name of school transferring to.
- 2. Progress records (Cumulative file):
 - a. Courses enrolled in each year.
 - b. Grades earned.
 - c. Credits earned.
 - d. Cumulative grade point average, if appropriate.
 - e. Class ranking, if calculated.
 - f. School club activities.
 - g. Service, scholastic, or athletic awards.
 - h. Attendance records.
- 3. Behavioral records (Confidential file):

- a. Standardized Achievement Test Results:
 - (1) Name of test.
 - (2) Date test was administered.
 - (3) Scores achieved.
 - (4) National and/or local percentile standing.

- b. Standardized Intelligence and Aptitude Tests:
 - (1) Name(s) of test(s) administered.
 - (2) Scores on standardized intelligence and aptitude tests.
 - (3) Dates tests were administered and the reasons why.
 - (4) Inventory test results.

- c. Pupil physical health records:
 - (1) Health data:
 - (a) Emergency phone number.
 - (b) Name of family physician, dentist, and phone numbers.
 - (c) Physical health problems that teachers should be aware of for the child's protection.
 - (d) Immunization record (see VI,A,9) and emergency medical card.
 - (e) Athletic permit card.

 - (2) Medical history:
 - (a) Record of diseases or significant physical problems.
 - (b) Description of other handicapping conditions.
 - (c) Physician's prescriptions, if medication is to be administered in school.
 - (d) Instructions for administering medication, including frequency and names of school personnel authorized to administer it.
 - (e) Routine screening (vision, hearing, scoliosis, etc.) and follow up.
 - (f) Records concerning the pupil's ability to participate in the educational program.
 - (g) Lead screening records under Section 254.162.

- d. Administrative history:
 - (1) Letters of recommendation from school personnel.
 - (2) Parent-school correspondence.
 - (3) Family background information.
 - (4) Reports of disciplinary action, such as:
 - (a) Suspension.
 - (b) Exclusion or expulsion.

- (c) Transfer.
- (d) Follow-up on disciplinary action.
- (5) Individualized education program documents.
- (6) Reports of IEP team evaluations Wisconsin Statutes, Chapter 115 (IDEIA).

e. Chapter 115 records:

- (1) Referral information.
- (2) Permission for evaluation.
- (3) IEP team report summary.
- (4) All notices relating to IEP team process.
- (5) Individual Education Plans.
- (6) Placement decisions.
- (7) Reports from outside evaluations/agencies.
- (8) Copies of release of information.
- (9) Copies of parent or adult student request for copies of records.

f. Anecdotal records (not related to IEP team evaluation):

- (1) Including, but not limited to, personal observations and impressions of teachers, counselors, and other professionals regarding information that may be used to make education decisions about a child.

g. Law enforcement records per Chapter 938.396(lm).

E. Patient health care records.

- 1. Physician's report if medical evaluation has been conducted.
- 2. Psychiatric report if child has seen a psychiatrist.
- 3. Records related to the health (physical, mental, emotional) of a patient prepared by a health care provider; i.e. clinical psychologist, et al.
- 4. Records related to the health of a patient under the supervision of a health care provider.
- 5. Any pupil record that relates to a pupil's physical health and is not a pupil physical health care record.
- 6. Any pupil record that concerns the results of a test for the presence of HIV or an antibody to HIV will be treated as provided under Section 252.15 and has the meaning given in Section 252.01(1m).

F. Personal professional files.

1. Personal professional files are defined as including notes taken during interviews, clinical diagnoses, test protocols, or various memory aids which support the professional's ability to work with the child; to be considered a personal professional file, the following criteria must be met:
 - a. The records must be kept with or near the professional making the record.
 - b. The confidential files of professionals automatically become the personal property of the person making the records; decisions regarding access to the records are the sole determination of the maker of the records.
 - c. Once a professional has "opened" the personal file and shared the information for educational purposes, that part of the personal file can no longer remain personal. This includes consultation through email regarding the student's behavior, achievement, and/or ability level.

G. Confidentiality.

1. All pupil records are confidential, with the following exceptions:
 - a. A pupil or the parent or guardian of a minor pupil will, upon written request, be shown and provided with a copy of the pupil's progress reports.
 - b. An adult pupil, or the parent or guardian of a minor pupil, will, upon written request, be shown in the presence of person qualified to explain and interpret the records, the pupil's behavioral records; such pupil, parent or guardian will, upon written request, be provided with a copy of the behavioral records, but will not be provided law enforcement records obtained under 938.396(lm) (118.125(2)(e).
 - c. The judge of any court of this state or of the United States will upon written request, be provided by the school district clerk with a copy of all progress records for a pupil who is the subject of any proceedings in such court.
 - d. Pupil records may be made available to persons who have a legitimate educational interest, are employed by the school district which the pupil attends, and who are required by the Department of Public Instruction under Section 115.28(7) to hold a certificate, license, or permit.
 - e. Upon the written request of an adult pupil, or the parent or guardian of a minor pupil, the school will make available to the

person named in the permission form the pupil's progress records or such portions of his behavioral records as determined by the person authorizing the release, but will not release law enforcement records obtained under 938.396(lm) [118.125(2)(e)].

- f. Pupil records will 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 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. Parents are to be notified before complying with the subpoena.
- g. The School Board may provide the Department of Public Instruction or any public officer with any information required under Chapters 115 and 121.
- h. Upon request by the department (DPI), the School Board will provide the department with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with requirements under Chapters 115 to 121. The department will keep confidential all pupil records provided to the department by a School Board.
- i. Information from a pupil's immunization records will be made available to the Department of Health and Human Services to carry out the purposes of Section 252.04.
- j. Information from any pupil lead screening records will be made available to state and local health officials to carry out the purposes of Sections 254.11 to 254.178.
- k. The technical college district board in which the public school is located, or the Department of Health and Human Services or a county department under Sections 46.215, 46.22 or 46.23 for verification of eligibility for public assistance under Chapter 49, will, upon request, be provided by the school district clerk with the names of pupils who have withdrawn from the public school prior to graduation under Section 118.15(1)(c).
- l. Directory data may be disclosed to any person, if the school has notified the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory data with respect to each pupil and has allowed 14 days for the parent, legal guardian or guardian ad litem of that pupil to

inform the school that all or any part of the directory data may not be released without the prior consent of the parent, legal guardian or guardian ad litem, AND

- (1) The parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk, upon request, will provide a technical college district board with the name and address of each such pupil who is expected to graduate from high school in the current school year.
 - (2) The parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk, upon request, will provide any representative of a law enforcement agency, district attorney or corporation counsel, county department under Section 46.215, 46.22 or 46.23 such information relating to any such pupil enrolled in the school district for the purpose of enforcing that pupil's school attendance, investigating alleged criminal or delinquent activity by the pupil or to responding to a health or safety emergency.
- m. A School Board may disclose personally identifiable information from the pupil records of an adult pupil to the parents or guardian of the adult pupil, without the written consent of the adult pupil, if the adult pupil is a dependent of his or her parents or guardian under 26 USC 152, unless the adult pupil has informed the school, in writing that the information may not be disclosed.
- n. A School Board will disclose the pupil records of a pupil in compliance with a court order under Sections 48.345(12)(b), 938.34(7d)(b), 938.396(lm)(c) or 938.78(2)(b)2 after making a reasonable effort to notify the pupil's parent or legal guardian.
- o. A parent who has been denied periods of physical placement with the child under Section 767.24(4) does not have the rights of a parent or guardian under pars. (a) to (j).
2. Notwithstanding their confidential status, pupil records may be used in suspension and expulsion proceedings and by the IEP team under Chapter 115 of the Wisconsin Statutes.
3. Law enforcement records:
- a. When the school district wishes to request written records and/or information from law enforcement agencies per Chapter 938.396(lm), those requests will be made by the building principal, or their designee, in writing to the Chief of Police, or Police Administrator, whose department holds jurisdiction.

- b. Written records and/or information received under 938.396(lm) are identified as behavioral records and their confidentiality is governed by Chapter 118.125(2)(e).
 - c. A school board will treat law enforcement unit records of juveniles in the same manner as a law enforcement agency is required to treat law enforcement officers' records of juveniles under s.938.396 (1) and (1x) and (5).
 - d. These cannot be used as the sole basis for disciplinary action except for disciplinary action under the athletic/activity code.
4. Disclosure of pupil records:
- a. A school district must disclose directory data to aid in the investigation of alleged criminal activity or delinquent activity by a pupil to any representative of a law enforcement agency, district attorney, corporation counsel, county department or court.
 - b. A school district must provide a law enforcement agency with a copy of a pupil's attendance record if the law enforcement agency certifies in writing that the pupil is under investigation for allegedly committing a criminal or delinquent act and the law enforcement agency will not further disclose the information unless specifically authorized by statute.
 - c. For the purposes of providing services to a pupil before adjudication, a school board may disclose pupil records to a law enforcement agency, district attorney, corporation counsel, agency as defined in s.938.78 (1), intake worker under s. 48.067 or 938.067, court 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 statute.
 - d. The district may disclose student records to appropriate parties in connection with an emergency if necessary to protect the health or safety of any individual.
 - e. The district will notify parents/guardians of secondary level students (9-12) about the option to prohibit the release of information to military recruiters or institutions of higher education without prior written parental consent.

H. Custody of records.

1. Primary responsibility for maintaining the confidentiality of pupil records will rest with the School District Administrator or his designee.
2. Each building principal will be fully responsible for maintaining the confidentiality of all pupil records kept in his or her school.
3. The school nurse will be solely responsible for maintaining the confidentiality of all Patient Health Care Records for all students enrolled in the school district.
4. Information received from law enforcement officers must be maintained separately from a pupil's other pupil records.
5. All written requests for the inspection of pupil records or for the transfer of such records to another district will be directed to the building principal and/or the Director of Pupil Services in the case of Chapter 115 records.
6. The building principal and/or the Director of Pupil Services, in the case of Chapter 115 records, will ascertain whether request for inspection or transfer of pupil records to another school or school district is permissible under this policy.
7. The principal and/or Director of Pupil Services has the responsibility to provide a copy of the pupil records upon the written request of an adult pupil or the parent or guardian of a minor pupil with a reasonable period of time not to exceed 45 days. Either parent may exercise rights accorded to parents unless the school is presented with evidence which provides that one of the parents no longer has such authority (Board Policy No. 5.250)
8. It will be the responsibility of the building principal and/or Director of Pupil Services, or his qualified designee to provide interpretations of behavioral records upon written request by an adult pupil or parent or guardian of a minor pupil.
9. The building principal and/or Director of Pupil Services will transfer to another school district within 5 working days, all pupil records upon written request by an adult pupil or parent or legal guardian, or from the other school district where the student intends to enroll or has enrolled [Wisconsin Statute 118.1245 (4)].
10. The school district clerk will, upon written request by the judge of any court in this state or of the United States, provide all pupil records provided that the pupil is the subject of any proceedings in such court.

11. Each building principal and/or Director of Pupil Services is responsible for keeping an accurate record of all persons, other than school employees, that are granted access to pupil records. This record must include the following:
 - a. A written record of requests for access.
 - b. Record of persons/agencies granted access.
 - c. Date of access to information.

I. Challenge to records content.

1. If an adult pupil, or the parent or guardian of a minor pupil, believes such pupil records contain information that is inaccurate, misleading, or otherwise in violation of such student privacy rights, the student, parent, or guardian, may so notify the School District Administrator in writing specifying the offending information.
2. No record will be destroyed if there is an outstanding request by a parent or an adult student to review them.
3. Within 15 calendar days after receipt of such notice, the School District Administrator or his designee will give the student, parent, or guardian an opportunity to discuss the matter with him. After consideration of the views of such student, parent, or guardian, the School District Administrator or his designee will make a determination as to whether, and in what respects the information complained of should be corrected or deleted, and so notify the student, parent, or guardian in writing. Such notice will be given within 20 days after such discussion is concluded.
4. If a student, parent, or guardian is not satisfied with the decision of the School District Administrator, such student, parent, or guardian will have the right to a hearing before the Board as to whether the information complained of is inaccurate, misleading, or otherwise in violation of such student's rights, provided, however, in order to exercise such right, such student, parent or guardian must notify the Board through the School District Administrator in writing within 20 days after receipt of the decision of the School District Administrator.

J. Right to review Chapter 115 records.

1. A parent appealing a decision relating to special education for his child will have access to any reports, records, clinical evaluations, or other materials upon which the decision is based, or which reasonably could have a bearing on the correctness of the decision.

K. Maintenance and destruction of records.

1. While students are attending 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 will be transferred to that school. Chapter 115 records and reports will be maintained in the office of the Director of Pupil Services. When the student ceases to be enrolled in a school operated by the district, those records which are not transferred will be maintained as follows:
 - a. All behavioral records will be destroyed one (1) year after the date the student graduated from or last attended the school unless the pupil specifies in writing that his or her behavioral records may be maintained for a longer period. Adult students or parents or guardians of a minor student contemplating future need for behavioral records after the one-year time period are urged to request a copy of any portion of the behavioral record for their personal use and safe-keeping.
 - b. Progress records will be maintained for at least five (5) years after the student ceases to be enrolled in the school district. A School Board may maintain the records on microfilm or optical disk if authorized under Section 19.21(4)(c), or in such other form as the Board deems appropriate. A School Board will maintain law enforcement officer's records and other information obtained under Section 938.396(1m) separately from a pupil's other pupil records.
 - c. Progress records not transferred will be maintained by the High School for students who were enrolled there. K-12 records (not transferred) for students who cease to be enrolled will be maintained at the school last attended.
2. Parent/Guardians of students with disabilities, or adult students, will be notified before records are destroyed so that copies can be made if needed.

L. Transfer of records.

1. Within 5 working days, a local education agency (LEA) will transfer to another school or LEA all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he or she is an adult, or his or her parent or guardian if the pupil is a minor, that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility or a secured residential care center for youth and children, as defined in Section 938.02(15g).

2. Such transfers do not include records designated as health care records for which informed consent for disclosure has not been obtained.

M. Availability of records policy document.

1. A copy of the School District of New London's document entitled "Confidentiality and Student Records" is available for public inspection at all district principals' offices and the office of the School District Administrator in New London, Wisconsin.

ADOPTION DATE: January 11, 1999

REVISION DATE(S): July 11, 2005; November 26, 2018

REVIEW DATE(S): September 12, 2018; June 21, 2023

CROSS-REFERENCE: Policy 347 Control, Maintenance, and Confidentiality of Student Records

LEGAL REFERENCE: Section 48.396(2m) Wisconsin Statutes
Section 115.85(4) Wisconsin Statutes
Section 118.125 Wisconsin Statutes
Section 118.127 Wisconsin Statutes
Section 146.81-146.83 Wisconsin Statutes
Section 767.24(7) Wisconsin Statutes
Section 938.067-938.78 Wisconsin Statutes
Family Educational Rights and Privacy Act
Health Insurance Portability and Accountability Act
Wisconsin Act 292