

**GUIDELINES FOR THE MAINTENANCE AND  
CONFIDENTIALITY OF STUDENT RECORDS**

A. Definitions

1. “Student records” include all records relating to an individual student other than notes or records maintained for personal use by teachers or other certified personnel which are not available to others, and records necessary for and available only to persons involved in the psychological treatment of a student.
2. “Progress records” include the student’s grades, a statement of courses taken by the student, the student’s immunization records, the student’s attendance record and records of the student’s extracurricular activities.
3. “Behavioral records” include psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student’s behavior, tests related specifically to achievement or measurement of abilities, student physical health records other than his/her immunization records, law enforcement records and any other student records which are not progress records.
  - a. “Law enforcement 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 (AOD) by a student enrolled in the district; (2) the illegal possession of a dangerous weapon by a child; (3) 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 certain specified laws; and, (4) the act for which a juvenile enrolled in the district was adjudged delinquent. The law enforcement agency may provide such record information to the district on its own initiative or on the request of the District Administrator or designee, subject to the agency’s official policy. Once the record information is received, the student named in the records and the parent/guardian of any minor student named in the records shall be notified of the information.
  - b. “Court records” include those 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 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, 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.

5. "Patient health care 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 records" definition above.
6. "Directory data" as designated by the Board of Education, includes a student's name, address, telephone listing, date and place of birth, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, photographs, the name of school most recently attended by the student and degrees and awards received.

B. Confidentiality

All student progress and behavioral records maintained by the Marathon City School District shall be confidential with the following exceptions:

1. General Access
  - a. A student or the parent/guardian of a minor student shall, upon request, be provided with 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 the student's behavioral records. The building principal or guidance counselor shall be present to interpret the behavioral records. Such a student or parent/guardian shall, upon request, be provided with a copy of the behavioral records.
  - c. The Board Clerk or designee shall upon request, provide the judge of any court of Wisconsin or of the United States with a copy of all progress records of a student who is the subject of any proceeding in such court.
  - d. Student records shall be made available to school officials who have been determined by the Board to have legitimate educational interests, including safety interests, in such records. A "school official" is a person employed by the district who is required by the Department of Public Instruction (DPI) to hold a license; 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; 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 parent/guardian or student 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 official needs to review a student record in order to fulfill his/her professional or district responsibility.
    - (1) Law enforcement 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 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 code.

- (2) 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.
- e. 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 portion 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.
- f. 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 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 parent/guardian or adult student of the subpoena in advance of compliance therewith, unless otherwise provided by law.
- g. The district may provide the DPI or any public officer with information required under Chapters 115 to 121 of the state statutes. Upon request, the Board shall provide the DPI 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.
- h. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the individualized education program (IEP) team in accordance with state and federal law.
- i. If school attendance is a condition of a student's dispositional order under section 48.355(2)(b)7 or 938.358(2) of the state statutes, 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.
- j. 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 truancy or 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. 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.
- k. 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.

- l. Information from a student's immunization records shall be made available to the Department of Health and Family Services (DHFS) to carry out immunization requirements.
- m. Upon request, the Board Clerk shall provide the names of students who have withdrawn from school prior to graduation to the technical college district board in which the public school is located or, for verification of eligibility for public assistance, to the DHFS, the Department of Workforce Development or a county department under sections 46.215, 46.22 or 46.23 of the state statutes.
- n. 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/guardian.
- o. In response to a court order, the district shall provide to the court the names of all persons known by the district to be dropouts and who reside within the county in which the circuit court or the municipality court is located.
- p. Annually, on or before August 15, the district shall report to the appropriate community services boards established under sections 51.42 and 51.437 of the state statutes 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 of the state statutes (community mental health, development disabilities, alcoholism and drug abuse). The parent/guardian of such students shall be contacted to obtain informed consent prior to making such a report.
- q. 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, 26 USC). This may be done unless the adult student has informed the school, in writing, that the information may not be disclosed.
- r. The district shall, upon request, provide student disciplinary records necessary for purposes of student enrollment in another public school district 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.

## 2. Access to Directory Data

Except as otherwise provided below, directory data may be disclosed to any person after the school has: (a) 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 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 the directory data items they refuse to permit the district to designate as directory data about that student.

- 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 Board Clerk or designee 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 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 Board Clerk or designee 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 of the state statutes, 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. The district shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses and telephone listings. A secondary school student or the parent/guardian of a student may request that the student's name, address and telephone listing 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.

### 3. Access to Patient Health Care Records

All student patient health care 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 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 part of a student patient health care 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 only with the informed written consent of the test subject.

### C. Records Maintenance/Disclosure/Destruction

1. While students are attending school, their records shall 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 shall be transferred to the central administration office. Patient health care records and law enforcement records shall be maintained separately from a student's other records.

2. The building principal shall have primary responsibility for maintaining the confidentiality of all student records kept at that school. All requests for inspection or for transfer to another school or school district should be directed to the building principal, or at his/her request, the guidance counselor, who shall determine whether inspection or transfer is permitted under state and federal law and these guidelines. Upon transfer of student records to the central administration office, these duties shall be assumed by the District Administrator or his/her qualified designee.
3. Records that are transferred to the central administration offices when the student ceases to be enrolled shall be maintained as follows:
  - a. All behavioral records shall be destroyed one year after the date the student graduated from or last attended the school unless the student (and his/her parent/guardian if the student is a minor) gives permission that these records may be maintained for a longer period of time. Where such written permission is received, behavioral records shall be destroyed 15 years after the date the student graduated or last attended a district school.

Students upon graduation or drop-out status, shall be informed by the High School Principal of the available options for maintaining behavioral records.
  - b. Progress records shall be destroyed 50 years after the student ceases to be enrolled in the school district.

D. Transfer of Records

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/guardian of a minor student, that the student intends to enroll in the other school or school district; or
2. Another school or school district that the student has enrolled; or,
3. A court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.

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