

## PUPIL RECORDS

### Section 1. General

All pupil records the Port Washington-Saukville School District maintains must remain confidential, except as permitted or required by this policy, and applicable state and federal law. The District has adopted this policy to maintain confidentiality of pupil records. Questions regarding confidentiality of pupil records and permitted or required disclosures should be directed to the Director of Special Services. The District must ensure that district employees collecting or using personally identifiable information receive training or instruction regarding the confidentiality requirements contained in this policy and applicable law. Throughout this policy there are references to legal documents. A number preceded with 's.' refers to a Wisconsin Statute. The reference to a 'Chapter' (e.g. Chapter 118) is also a reference to Wisconsin State Statutes. The specific law may be accessed at the following website: <http://www.legis.state.wi.us/rsb/stats.html> (Reviser of Statutes Bureau).

### Section 2. Content

Pupil records are all records relating to an individual pupil maintained by the school. A "record" is any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristic. The District maintains several types of pupil records, including:

- A. "Behavioral records" includes those pupil records, which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records other than his or her immunization records or any lead screening records required under s. 254.162, law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) or (lm) and any other pupil records that are not progress records. [s.118.125(1)(a)]
- B. "Directory data" means those pupil records, which include the pupil's name, address, telephone listing, date and place of birth, majority field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the pupil. [s.118.125(1)(b)]
- C. "Progress records" means those pupil records, which include the pupil's grades, a statement of the courses the pupil has taken, the pupil's attendance record, the pupil's immunization records, any lead screening records required under s. 254.162 and records of the pupil's school extracurricular activities. [s.118.125(1)(c)]

- D. “Pupil physical health records” means those pupil records that include basic health information about a pupil, including the pupil’s
1. immunization records,
  2. an emergency medical card,
  3. a log of first aid and medicine administered to the pupil,
  4. an athletic permit card,
  5. a record concerning the pupil’s ability to participate in an education program,
  6. any lead screening records required under s. 254.162,
  7. the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and
  8. any other basic health information, as determined by the state superintendent. [s. 118.125(1)(cm)]
- E. “Patient health care records”, which are all pupil records relating to a pupil’s physical health that are not contained in the list of pupil physical health records. [s. 146.81] Although technically pupil records, applicable law limits a parent’s right to information regarding a pupil’s reproductive health [s. 253.07(3)(c)] and HIV test results [s. 118.125(2m) and s. 252.15(5)(1)15], requiring the pupil’s consent. The Wisconsin Department of Public Instruction recommends ‘Patient Health Care Records’ be maintained separately from other pupil records, because the requirements relating to access to and disclosure of information from ‘Patient Health Care Records’ are more restrictive than the requirements for pupil records. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004).

### **Section 3. What Is Not Considered Pupil Records**

Pupil records, however, do **not** include the following:

- A. Any notes or records maintained for personal use by either teachers or others permitted by law, as long as these notes or records are not available to or shared with others.

- B. Records necessary for, and only available to people involved in, the psychological treatment of a child. In the Port Washington-Saukville School District the individuals that are certified school psychologists are qualified to provide psychological treatment. The following services constitute psychological treatment:
1. therapy notes;
  2. notes that comply with confidentiality regulations governing alcohol and other drugs;
  3. test protocols, test instruments and interpretive materials that are used in diagnostic evaluations and do not contain identifying information. (Answer sheets that do contain the pupil's name, are pupil records, and may require explanation and interpretation from school staff.)
- C. Law enforcement unit records, which are records maintained by a law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement. A law enforcement unit is any individual, office, division, department, or other component of the District that is authorized by the school board to maintain the physical safety and security of the school, enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement, against any person other than the District. In the Port Washington-Saukville School District, the Special Services Department serves as a law enforcement unit.

#### **Section 4. Regulations Related To The Access To Pupil Records**

As discussed above, the District must protect confidentiality of and allow access to pupil records as provided by this policy and applicable law. As a result, the confidentiality and access provisions described in this policy are not exhaustive and are subject to changes in state and federal legislation. For example, the District must also comply with the provisions of the:

- A. Drug and Alcohol Patient Records Confidentiality Act regarding pupils who apply for or receive alcohol or drug abuse treatment services. [s. 118.126];
- B. Children's Online Protection Act regarding information available on its website;
- C. National School Lunch Act regarding information in pupil records regarding free and reduced price meal eligibility;

- D. **State Regulations under Chapter 767: ACTIONS AFFECTING THE FAMILY.** Under this policy and applicable law, parents who have been denied periods of physical placement with their child by a court under [s. 767.24 (4)] do NOT have the rights of a parent or guardian with respect to their child's progress records.
- E. **State Regulations under Chapter 253: MATERNAL AND CHILD HEALTH.** Under this policy and applicable law, parents are not allowed access to information relating to their adolescent's reproductive health without authorization from the adolescent. [s. 253.07(3)(c)]
- F. **State Regulations under Chapter 252: COMMUNICABLE DISEASES.** Under this policy and applicable law, parents may not access information related to the HIV test results of a pupil age 14 years and older without the pupil's consent. [s. 118.125 (2m) and s. 252.15(5)(1)15]
- G. Elementary and Secondary Education Act (No Child Left Behind Act). Under this policy and applicable law, the District also addresses related issues, such as a student's status of "homeless" must be kept confidential. This is true even if willingness to accept certain services to homeless students may inadvertently identify them as homeless. The dignity and privacy rights of homeless families, their children, and unaccompanied youth must be respected. For additional information on education rights found in the *Plyler v. Doe* ruling, see <http://www.ncasboston.org/SOA/alert.htm>.

Also under this policy and applicable law, the District must release pupil names, addresses, and phone numbers to military recruiters and to institutions of higher learning upon request, unless the pupil or parent requests that this information not be released without prior consent, pursuant to the procedures described herein.

### **Section 5. Access To Directory Data**

On an annual basis, the District must notify all parents of the categories of information designated as directory data with respect to each pupil. This notice further states that parents must notify the school within fourteen (14) days if the parent does not want the District to disclose all or any part of the directory data regarding their child without the parent's prior consent. If the District allows the parent fourteen (14) days to respond, and does not receive notice from the parent that the directory data may not be disclosed without the parent's prior consent, the District must disclose the following information:

- A. Names and addresses of pupils expected to graduate during the current school year to a technical college district board.
- B. Directory data for the purpose of enforcing attendance, investigating alleged criminal or delinquent activity, or in response to a health or safety emergency to any representative of a law enforcement agency, district attorney, city attorney or corporation counsel, department of corrections, county department of social services, licensed child welfare agency, intake worker, court of record or municipal court.
- C. Under the Elementary and Secondary Education Act (No Child Left Behind Act), the District must release pupil names, addresses, and phone numbers to military recruiters and to institutions of higher learning upon request, unless the pupil or parent requests that this information not be released without prior consent, pursuant to the procedures described above.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's pupil records.

### **Section 6. General Access To Pupil Records (Excluding Patient Health Care Records)**

The District must protect confidentiality of and allow access to pupil records as provided by this policy and applicable law. **A school district may disclose personally identifiable information from a pupil records under three conditions: 1) written consent from a parent, guardian or adult pupil; 2) by authority of statute, or 3) receipt of a court order.**

**Pupils and their Parents.** Upon request, the District must show a pupil's behavioral record to the adult pupil or a minor pupil's parent in the presence of a person qualified to explain and interpret the records. Upon request, the District must provide the adult pupil or the minor pupil's parent with copies of the pupil's behavioral and/or progress records. The District will comply with such requests as soon as practicable, and within forty-five (45) calendar days after the District receives the request. If the parents are separated or divorced, duplicate copies are to be available upon request.

**Parent** means a natural parent, legal guardian or guardian ad litem. Under this policy and applicable law, parents who have been denied periods of physical placement with their children by a court under (s. 767.24(4)] do NOT have the rights of a parent or guardian with respect to their child's progress records.

## **Section 7. Parent Or Adult Pupil Consent To Disclosure** **(“Authorization to Obtain and Disclose Information”)**

When requesting consent for release or exchange of information from a parent or pupil, the District will provide the “**Authorization to Obtain and Disclose Information**” form. To consent to release or exchange of information, the parent or adult pupil must complete, sign and date the form. Upon the receipt of written permission, the District will release the pupil’s progress records or such portions of the pupil’s behavioral records as determined by the person authorizing the release.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child to NOT have the rights of a parent or guardian with respect to their child’s pupil records.

For purposes of this policy, “consent” means written consent that includes all of the following information (**NOTE:** *Electronic consent is NOT permissible due to questions regarding how a parent can “authenticate” his or her consent.*):

- name of the pupil whose record is being disclosed;
- type of information to be disclosed;
- names of the person(s) making the disclosure;
- purpose of the disclosure;
- individual, agency or organization to which disclosure may be made;
- signature of the pupil, if an adult, or the parent of a minor pupil and the relationship to the pupil;
- date on which the consent is signed; and
- time period during which the consent is effective.

The District may not disclose law enforcement officers’ records under this section unless the adult pupil or parent of a minor pupil specifically authorizes disclosure in the written permission.

**The following is a list of individual positions and/or agencies that have been given legal access to a pupil without the consent of the parent or pupil, if certain conditions exist:**

- A. **Persons Employed by the District.** The District must make pupil records available to District employees who are required to hold a teachers license, and to other District officials the School Board determines has a legitimate educational interest in the pupil’s records. A legitimate educational interest exists when a district employee or official reasonably needs to know the information to perform his or her professional responsibilities. This includes, but is not limited to:

1. performing educational or discipline related tasks in connection with a pupil;
2. providing services to a pupil or the pupil's family, such as emergency health care, counseling, special education, or related services, and school or job placement services; and
4. performing administrative or other duties for the District.

Those with legitimate educational interests may include a person employed by or working on behalf of the District as a school board member, administrator, supervisor, instructor, support staff member (including health or medical staff and police-school liaison personnel); a person or company with whom the District contracts to perform a specific task (such as an attorney, auditor, medical consultant or therapist); a parent or pupil serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks; or other school district officials.

Nothing in this policy prohibits the District from using a pupil's records in connection with the suspension or expulsion of the pupil, unless otherwise prohibited by law.

In addition, information concerning the pupil's physically harmful behavior may be disclosed to the pupil's teachers and to any other school district official (as defined above) who has a legitimate educational or safety interest in the information. The Director of Special Services will determine who has a "legitimate educational interest", based on

1. evidence that a pupil engaged in behavior that seriously physically harmed another individual within the previous twelve (12) months; or
2. that a pupil has engaged in a pattern of behavior causing serious physical harm to another individual; or
3. there is reasonable cause to believe that the pupil may engage in behavior at school or under the supervision of a school authority that is physically harmful to another individual.

The information must be limited to information reasonably necessary to meet educational needs of the pupil and the safety needs of other pupils and school personnel. The teacher or other school district official may not disclose the

information to any other person. Such information may also be disclosed in connection with a health or safety emergency, as described below.

- B. **Parents of Pupils Who Have Reached 18 Years of Age.** The District may disclose personally identifiable information from an adult pupil's record to the pupil's parent or guardian if the pupil is financially dependent on his/her parent(s), unless the pupil has informed the District in writing that the information may not be disclosed. If the pupil is not financially dependent on his/her parent(s), the District will disclose the information if the adult pupil gives the District written permission, as described in the paragraph entitled "**Persons Named In Authorization for Release of Records**" of this section.
- C. **Public Officers and the Department of Public Instruction.** The District must provide any public officer with records that Chapters 115 through 121 of the Wisconsin Statutes require the District to maintain. The District must provide the Department of Public Instruction with any information contained in a pupil record that relates to an audit and evaluation of state or federal supported programs, or that is required to determine compliance with requirements under Chapters 115 through 121 of the Wisconsin Statutes.
- D. **Interagency Agreement.** For the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to a law enforcement agency, district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under s. 48.067 or 938.067, court of 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 this subsection. [s. 118.125 (2)(n)]
- E. **Disclosure to Appropriate Parties in Emergency.** The District may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of **any** individual. [s. 118.125 (2)(p)]
- F. **County Department of Social Services (Attendance Records Only).** If a pupil violates a school attendance provision of a dispositional order, the District must notify the County Department of Social Services caseworker who is responsible for supervising the child within five (5) days after the violation. [s. 118.125 (2)(cm)]



- G. **Law Enforcement Agency (Attendance Records Only).** The District shall 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 truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the pupil's attendance record except as permitted under s. 938.396 (1) to (1x). The school employee who discloses a copy of a pupil's attendance record to a law enforcement agency for purposes of a truancy investigation shall notify the pupil's parent or guardian of that disclosure as soon as practicable after that disclosure. [s. 118.125 (2)(cg)]
- H. **Fire Investigator (Attendance Records Only).** The District must provide a copy of a pupil's attendance record to a fire investigator under s. 165.55 (15) if the fire investigator certifies the following in writing: 1) the pupil is under investigation for arson; 2) the attendance record is necessary for the fire investigator to pursue the investigation; and 3) the fire investigator will only disclose the pupil's attendance record for the purpose of pursuing the investigation. [s. 118.125 (2)(ch)]
- I. **Courts.** The District must disclose pupil records to a court in response to a subpoena or court order for:
1. parties to an action for in camera inspection, and to be used only for impeachment of a witness who has testified in the action [s. 118.125 (2)(f)],
  2. the pupil records of a pupil in compliance with a court order under s. 48.236 (4)(a), 48.345 (12)(b), 938.34 (7d)(b), 938.396 (1m)(c) or (d) or 938.78 (2)(b)2. after making a reasonable effort to notify the pupil's parent or legal guardian [s.118.125 (2)(L)],
  3. names of pupils the District knows to be dropouts residing within the county in which the circuit court is located or the municipality in which the municipal court is located.
- J. **Technical College District, Health and Family Services, Department of Workforce Development (Names of Withdrawn Pupils Only).** Upon request, the District must provide the names of pupils who have withdrawn from the District prior to graduation under the technical college district board in which the District is located. The District must also provide this information, upon request, to the Department of Health and Family Services,

the Department of Workforce Development or a county department, as required by law.

### **Section 8. Access To Pupil Physical Health Records**

Access to pupil physical health records is to be treated differently than progress records and/or behavioral records when dealing with agencies within the community.

- A. **Department of Health and Family Services – Immunization Records Only.** The District must make information from a pupil’s immunization records available to the Department of Health and Family Services to carry out the purposes permitted by law.
- B. **State and Local Health Officials – Lead Screening Records Only.** Information from any pupil lead screening records shall be made available to state and local health officials to carry out the purposes permitted by law.

### **Section 9. Access to Patient Health Care Records**

“Patient health care records” are all pupil records relating to a pupil’s physical health that are not contained in the list of “pupil physical health records”. In general, this includes records relating to the health of a child that contains such information as diagnosis, opinions, and judgments made by a health care provider. As a result, any District employee receiving patient health care records must keep that information confidential, unless disclosure is permitted by this policy or applicable law. Access to “patient health care records” must be under the direction of the District nurse or the Director of Special Services.

For example, the law permits disclosure to persons with the informed consent of the pupil or a minor pupil’s parents for most records, except parents who have been denied periods of physical placement with their child and do NOT have the rights of a parent or guardian with respect to their child’s patient health care records. Any pupil record that concerns the results of a test for the presence of HIV, antigen or non-antigenic products of HIV or an 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. Also, parents may not access information related to the HIV test results of a pupil age 14 years and older without the pupil’s consent. [s. 118.125 (2m) and s. 252.15 (5)(1)15]

The District’s patient health care records may be released upon request without informed consent as allowed by applicable law, and to a District employee or agent, if 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. This includes school district employees and agents who need the information to carry out specific duties relating to the identification, evaluation, placement and provision of a free and appropriate public education to a child with a disability under state and federal special education laws; or
- C. The information is necessary for the staff person to respond to a health emergency.

Patient health care records maintained by schools are considered education records and are thus subject to the Family Education Rights and Privacy Act (FERPA) rules, and not the privacy portions of HIPAA. When a school wants or needs health information from outside health care providers, schools will need to adhere to the disclosure requirements of the outside health care providers (which are HIPAA-governed) in order to gain access to the information. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004).

### **Section 10. Use For Suspension Or Expulsion**

The District is permitted to use a pupil's records in connection with the suspension or expulsion of the pupil or the use of such records by a multidisciplinary (IEP) team [s. 118.125 (5)(a)]. Law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) or (lm), records of the court assigned to exercise jurisdiction under Chapters 48 and 938 obtained under s. 938.396 (7)(a), (am), (ar), (b), or (bm), and records of a municipal court obtained under s. 938.396 (7)(ar) may not be used by a school district as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action, including action under the school district's athletic code, against a pupil. [s. 118.125 (5)(b)]

### **Section 11. Fees For Copies Of Pupil Records**

The District may charge a fee for copies of pupil records, unless the fee effectively prevents a parent of an eligible pupil from exercising the right to inspect and review the records. Where the fee represents an unusual hardship, the District's record custodian may waive it in part or in its entirety.

The District's record custodian is the Director of Special Services. The fees for copies of the records will be the actual, necessary and direct cost of reproduction and/or transcription of the record unless a fee is otherwise specifically established or authorized to be established by law. A schedule of fees may be obtained from the record custodian. The District may not charge a fee to search for or retrieve pupil records. [34CFR99.11(b)]

### **Section 12. Maintaining Pupil Records**

Each building principal has primary responsibility for maintaining the confidentiality of pupil records (including records related to Section 504) kept in his/her own building, law enforcement unit

records (which are not pupil records, as discussed above), AODA records, and patient health care records (including information regarding a pupil's reproductive health and HIV testing) must be maintained separately from a pupil's other records.

The Director of Special Services has primary responsibility for maintaining the confidentiality of all pupil records stored at the central office (excluding disciplinary records) for pupils with disabilities under IDEA, for pupils who have been referred for diagnostic evaluations.

All requests for inspection of progress and behavioral records, other than those regarding special education or pupil services records, should be directed to the building principal. All requests for inspection of special education or pupil services evaluations should be directed to the Director of Special Services. All requests for inspection of patient health care records should be directed to the school nurse.

The District must maintain a record of requests for access and disclosures with each pupil record as long as the pupil records are maintained. This record does not include access by parents, the pupil, school officials, any party with written consent from the parent, any party seeking directory information and subpoenas. When the records is required, it must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

The District must maintain a record of all persons, including parents and school personnel, obtaining access to patient health care records. A record of access to patient health care records must also include the time of the release and identify the specific records released.

Custodians of pupil records are immune from liability for nondisclosure of information, if the act was not malicious. A school district is not liable for nondisclosure of information, unless it acted with gross negligence or reckless, wonton or intentional misconduct. [s. 118.125 (2)(d)]. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004)

The District shall 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) to (1x) and (5). [s. 118.125 (7)]

### **Section 13. Transferring Pupil Records**

Building principals are responsible for transferring records within the District when pupils transfer between buildings. Building principals must ensure that professional staff reviews the records of each pupil transferring from elementary level to middle school level to high school level to ensure compliance with the IDEA and Section 504. The building principal of the sending building is responsible for transferring records to the receiving building. If building principal of the receiving building does not receive the records, he/she must contact the sending building to request the records immediately.

The District must transfer all of a pupil's records, including behavioral records, to another public or private school or school district without consent within five (5) working days after one of the following occurs:

- A. the District receives written notice from the pupil, if he/she is an adult, or his/her parent/guardian if the pupil is a minor, that the pupil intends to enroll in the other school or school district; or
- B. the District receives written notice from another public or private school or district that the pupil has enrolled; or
- C. the District receives written notice from a court that the pupil has been placed in a juvenile correction facility or secured child caring institution or secured group home.

The District must transfer pupil records only. As a result, personally identifiable records that are not pupil records (including, but not limited to, personal notes or records used for the psychological treatment of the pupil, as defined above) may not be transferred.

When transferring patient health care records generated within the District, the District must seal these records in a separate envelope and address them to the receiving school or district's health care provider. To transfer patient health care records received from outside providers, the District must request informed consent from the pupil's parents, (and depending on the contents, the pupil). If the District receives consent, it must transfer the record as a sealed patient health care record. If the District does not receive consent, the District must prepare a summary of the educationally relevant information and transfer it without consent as a pupil physical health record. The District must retain copies of these records as required by applicable law, and the "Destroying Pupil Records" section, below.

#### **Section 14. Destroying Pupil Records**

The District will maintain all pupil progress records for five (5) years after the pupil ceases to be enrolled in the school. This includes records of pupils who transfer out of the District, graduate, or leave the District for any other reason.

The District will maintain pupils' behavioral records for one (1) year after the pupil ceases to be enrolled in the District, unless the parent or adult pupil specifies in writing that the records may be maintained for a longer period of time or unless otherwise required for compliance purposes. This includes records of pupils who transfer out of the District, graduate, or leave the District for any other reason.

Special education records for pupils with disabilities under the IDEA must be maintained for five (5) years after the pupil graduates or otherwise ceases to be enrolled in the District.

When a pupil is initially identified as a pupil with a disability under the IDEA, the District must notify the adult pupil or parent of this requirement in writing. The notification must request consent to maintain the pupil's special education records for five (5) years after the pupil ceases to be enrolled in the District.

If the consent "*to maintain the pupil's special education records*" is not obtained at the time of initial identification and is not on file, the following procedures shall be followed:

*Within three (3) months of graduation or immediately when a pupil otherwise ceases to be enrolled, the District must notify adult pupils and parents in writing of this requirement. The notification must request consent to maintain the pupil's special education records for five (5) years. If the District does not receive such consent, either at the time of initial identification, graduation, or when the child ceases to be enrolled in the District, the District must remove personal identifiers from the records so that they may be kept for the five-year period. The District must maintain a separate list of codes and corresponding personal identifiers for audit purposes.*

The District will maintain patient health care records for seven (7) years after they are created or received from a source outside the District. The school nurse is responsible for maintaining these records.

The District may not destroy any education records if there is any outstanding request to inspect and review the records. [34CFR 99.10(b)]

### **Section 15. Amending Pupil Records**

A parent of a minor pupil, or an adult pupil, who believes that information contained in pupil records is inaccurate, misleading or violates the privacy or other rights of the pupil may request amendment of the records by submitting a written request to the Director of Special Services.

The written request should: (1) describe the specific part of the pupil record the parent or pupil believes is inaccurate, misleading or otherwise in violation of privacy or other rights and (2) state the amendment requested. The Director of Special Services must decide whether to amend the record. If the Director of Special Services refuses to amend the record, he/she must inform the parent or adult pupil of the decision in writing within fifteen (15) business days after receiving the request. The written decision must include notice of the right to a hearing before the Board of Education.

If the parent or adult pupil requests a hearing, the Board shall hold the hearing within fifteen (15) calendar days after receiving that request. The District shall notify the parent or adult pupil of the date, time and location of the hearing in advance. At the hearing, the parent or adult pupil shall have

a full and fair opportunity to present evidence, and the opportunity to be assisted and represented by one or more individuals, including an attorney of their choice, and at their own expense. The Board will issue a written decision within fifteen (15) calendar days after the hearing. The decision will be based solely on the evidence presented at the hearing and include the summary of the evidence and reasons for the decision.

If, as a result of the hearing, the Board of Education decides that the record is inaccurate, misleading or otherwise in violation of the privacy or other right of the pupil, it must amend the record accordingly and inform the parent or adult pupil of the amendment.

If, as a result of the hearing, the Board of Education decides that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the pupil, it must inform the adult pupil or parent of the right to place a statement in the record. The District must maintain the statement as part of the record and be disclosed whenever a portion of the records to which it relates is disclosed. Any statements placed in a pupil's records pursuant to this section must be maintained as long as the record or contested portion is maintained.

### **Section 16. Annual Notices Regarding Pupil Records**

Annually, the District must notify parents and pupils of their right to:

- A. Inspect and review the pupil records, and the procedure to exercise this right;
- B. Seek amendment of the pupil's school records if they believe the records are inaccurate or misleading or otherwise in violation of their privacy rights, and the procedure for requesting the amendment of records;
- C. Consent to the disclosure of the pupil's school records, unless otherwise authorized without consent;
- D. File a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

The notice includes a statement of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest. The District must ensure parents who are disabled and parents who have a primary or home language other than English are effectively notified. When a pupil transfers into the district after the District has given this notice, the District must provide a copy of the notice to the pupil and his/her parents.

As noted above, on an annual basis, the District must notify all parents of the categories of information designated as directory data with respect to each pupil. This notice must be in writing and state that parents must notify the school within fourteen (14) days if the parent does not want the

District to disclose all or any part of the directory data regarding their child without the parent's prior consent. If the District allows the parent fourteen (14) days to respond, and does not receive notice from the parent stating the directory data may not be disclosed without the parent's prior consent, the District may disclose the directory data to any person without the parent's consent.

Annually, and before the provision of service, a health care provider within the District must provide a pupil's parents with the provisions of access to patient health care information within the District.

Annually, on or before August 15, the District must report to the appropriate county departments the names of pupils who reside in the District, are 16 years of age or older, are enrolled in or are eligible to be enrolled in a special education program, are not expected to be enrolled in an education program two years from the date of the report, and may require community services for mental health, alcoholism or drug abuse. The District must obtain parent consent or, where appropriate, pupil consent before filing this report.

### **Section 17. Complains Regarding Alleged Pupil Records Law Violations**

Adult pupils or parents of minor pupils may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for any alleged violation of the federal Family Educational Rights and Privacy Act (FERPA) at the following address:

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605*

Parents of pupils with disabilities may also contact the Wisconsin Department of Public Instruction. They may obtain further information by consulting the District's statement of parent rights under the IDEA, or contacting the Director of Special Services at (262) 268-6079 or 100 W. Monroe St., Port Washington, WI 53074.

**Cross reference:**     **Wisconsin Statutes**  
                              s. 118.125  
                              s. 165.55 (15)  
                              Chapter 48  
                              Chapter 938

**Federal Regulations**  
34CFR Part 99

Adopted/Revised: 11/8/04; 3/16/15



The Port Washington-Saukville School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: Director of Special Services, Port Washington-Saukville School District, 100 W. Monroe Street, Port Washington, WI 53074 - Duane.Woeffel@pwssd.k12.wi.us