

**CONFIDENTIALITY**

General Statement: Pursuant to Section 43B of the General Education Privacies Act, Section 118.1265 of Wisconsin Statutes, and PI 11.05 of Wisconsin Administrative Code, it will be policy of the School District of St. Croix Central to insure the confidentiality of student records and personally identifiable information.

Pupil Records:

1. "Pupil Records" means all records relating to individual pupils maintained by an elementary or high school but does not include notes or records maintained for personal use by a teacher or other person who is required by the department under s. 115.28(7) to hold a certificate, license or permit if such records and notes are not available to other nor does it include records necessary for, and available only to persons involved in the psychological treatment of a pupil.
2. "Behavioral Records" means 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 and any other pupil records which are not progress records.
3. "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 and records of the pupil's school extracurricular activities.
4. Personally Identifiable Information is any record which can be identified by student's name.

Confidentiality of Student Records: All student records are confidential with the following exceptions:

1. An adult student, or the parent or guardian of a minor student shall upon request be shown and provided with a copy of the student's progress records.
2. An adult student, or the parent or guardian of a minor student shall upon request be shown the student's behavioral records in the presence of a person qualified to explain and interpret the contents of the records. Such student, parent, or guardian shall upon request be provided with a copy of the behavioral records.
3. The judge of any court of this state or of the United States shall upon judicial order or subpoena, be provided by the school district clerk with a copy of all progress records of a student who is the subject of any proceeding in such court. In this case the adult student or the parent or guardian of a minor student shall be notified of any such order or subpoena in advance of compliance therewith by the school district clerk.
4. Student records may be made available to persons employed in the school district which the student attends who are required by the Department of Public Instruction under S.115.28 (7) to hold a certificate, license or permit, and who have a legitimate education interest in the records.
5. Upon written permission of an adult student or the parent or guardian of a minor student, the school shall make student records available to the person named in the permission form. The permission form must specify the records be provided to an adult student or to the parent or guardian of a minor students per points 1 and 2 above.
6. Pupil's records shall be provided to a court in response to a subpoena by parties to an action for in camera inspection and to be used only for the 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 of their attorneys if said records would be relevant and material to a witness' credibility or competency; provided, however, before such records are released, the adult student or the parent or guardian of a minor student shall be notified of such subpoena in advance of compliance to the subpoena.
7. The School Board may provide the Department of Public Instruction, CESA #11 Special Education Services Staff, or any

public officer with any information required under Chapters 115 to 121 of the Wisconsin Statutes.

8. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the Multi-disciplinary Team under Chapter 115 of the Statutes.
9. The principal shall have the 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 shall be directed to the principal who will then determine whether inspection or transfer is permitted under this policy. The principal, guidance counselor, or school psychologist shall be present to interpret behavioral records when inspection is made.

Transfer of Records: Individual student records shall be transferred to another school or school district upon receipt of written notice from an adult student or the parent or guardian of a minor student that the student intends to enroll in another school or school district, or upon written notice from the other school or school district that the student has enrolled.

District policy also provides that before student records are transferred, an adult student or the parent or guardian of a minor student shall be notified of the transfer, receive a copy of the records if desired and have an opportunity for a hearing to challenge the content of the records.

Maintenance and Destruction of Records: Individual student 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. When an individual student ceases to be enrolled in a school operated by the school district, his or her records will be processed as follows:

1. No behavioral records may be maintained for more than one year after the date upon which the pupil graduated from or last attended the school, unless the adult student or the parent or guardian of a minor student specifies in writing a request that individual behavioral records be maintained. NOTE: Parents and students will be informed in advance of the School District's intent to destroy records or portions of records and will be apprised of subsequent possible uses of the portions to be destroyed.
2. All personally identifiable information must be destroyed at the request of the adult student or student's parent. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed will be maintained indefinitely, with periodic review and destruction of records on a one year basis.
3. Records held jointly by this District and CESA 11 Special Education Services will be destroyed simultaneously as per the above guidelines following communication with CESA 11.

Challenge of Content of Student Records: An adult student or the parent or guardian of a minor student shall have an opportunity for a hearing to challenge the content of both progress and behavioral records alleged to be inaccurate, misleading or otherwise inappropriate. If, as a result of the hearing, the complainant is not satisfied, an adult student or the parent or guardian of a minor student may appeal to the School Board for a hearing. The appeal must be made to the school district administrator within five days of the informal hearing. The president of the school board shall then schedule a hearing within 30 calendar days of this request. Such hearing will be private unless a public hearing is requested by the complainant. If the decision is against the complainant, request made by the adult student, parent or guardian of a minor student, the board shall inform the parent or guardian or adult student of the right to place in the education records of the student a statement challenging/explaining upon the information in the education records and outlining any reasons for disagreeing with the board decision. The decision shall be maintained as part of the student's record as long as the records are maintained by this school district. If the student's records or parts of the records are disclosed to another party, then the statement of disagreement shall also be disclosed to that party. The St. Croix Central school district will maintain EEN student records for all students in EEN programs upon termination from EEN program. Parents will be advised that previous records which contained personally identifiable data shall be destroyed upon parental request.

Annually, parents will be provided current rights of confidentiality during the IEP conference.

The St. Croix Central school district will ensure that when a record contains information on more than one child, parent will see only the information pertaining to their child. In addition, parents shall be provided with a list of all records maintained on their child. All staff members, instructional and clerical, shall receive training in the procedures of confidentiality.

The school district of St. Croix Central ensures that children are afforded rights of privacy similar to those afforded to parents, taking into consideration the ages of the child and type of severity of the handicapping condition, also maintain for public inspection a current listing of the names and positions of the employees within the agency who may have access to personally identifiable information.

The school district of St. Croix Central ensures that the parent has the authority to inspect and review records relating to his or her child unless the school district has been advised that the parent does not have the authority under state law governing such matters as guardianship, separation or divorce. The St. Croix Central school district does not charge a fee for search or retrieval of information by the parent.

The school district of St. Croix Central provides to parents, upon request, a list of the types and locations of educational records collected, maintained, or used by the agency.

The St. Croix Central school district annually informs parents and adult students of its written rules and regulations on confidentiality procedures.

If, as a result of the hearing, the public agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform parents in writing.

All staff members, instructional and clerical, shall receive training in the procedures of confidentiality.

POLICY ADOPTED: December 19, 1983

Reviewed: April, 1988

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