

RELEASE OF PUPIL RECORDS

Release of Records in Divorces, Guardianships, and Foster Care Placements

A “parent” shall have access to his/her child’s pupil records as set forth above (note, this assumes the general parental rights to pupil records under § 118.125(2), Wis. Stats., are set forth above), regardless of whether the parent is the custodial parent unless there is a court order or judgment that:

1. Denies the parent periods of physical placement or visitation with the child,
or
2. Denies the parent access to the pupil records.

Persons other than natural parents in whom custody of a child has been placed shall be entitled to a release of information only if authorized by court order. (Same as current policy.)

With respect to a non-marital child whose paternity has not been adjudicated and who is not subject to an order of guardianship or any other court order, only the natural mother shall be permitted access to the child’s student records.

Upon the entry of a court order establishing paternity for a non-marital child, the adjudicated father shall have access to the student’s records as a “parent.”

With respect to a student who has been placed under guardianship of the person through some person other than his/her natural parents, access to the student’s records shall be governed by the applicable court order.

With respect to a student who has been placed in foster care, a release of information executed by the student’s natural parent(s) or a court order is required for access to the student’s records by the foster parents.

Unless directed to the contrary in the most recent court order, both natural parents of a child or the court appointed guardian(s) of the person of a child shall be deemed entitled to receive all grade reports, notices of school activities, disciplinary action, and teacher/principal conference appointments or summaries.

For the purpose of conferencing, in the event that the natural parents are separated and/or acting under a specific custody order, both parents shall be scheduled for the same conference time whenever possible. Pursuant to a court order or written permission from the natural parents, guardians and foster parents will be notified about conferences.

Court Orders

1. A “court order” or “judgment” shall mean any order, decree or judgment, whether temporary or permanent, entered by a judge or a court commissioner with competent jurisdiction in Wisconsin or another state as a result of an action affecting the family, or implementing foster care, or establishing guardianship. Any court order which is certified as a true and correct copy of the original shall be presumed to have been signed by a judge or a court commissioner acting with competent jurisdiction.
2. Prior to the beginning of each school year, each custodial parent, in the event of parents who are separated or divorced, mother of a non-marital child or a guardian or foster parent enrolling a child as a student in the district shall provide the building administrator with current information of any court order which either provides for or restricts the exercise of rights on behalf of the child by his/her natural parent(s), guardian or foster parent(s). In the event of a child subject to a court order establishing custody, neither parent shall be deemed to have rights superior to the other parent. In the case of children subject to guardianship, in the absence of a court order restricting guardianship of the person of such child to matters other than his/her education, the guardian shall be deemed to stand in the stead of a child’s natural parent(s) as pertaining to release of information from the child’s student records. With respect to children in foster care, in the absence of a court order or evidence of written permission from the natural parent(s), foster parents shall not be deemed eligible to gain access to the child’s student records.
3. Either the natural parents, a court appointed guardian, a foster parent or, additionally, with respect to foster children, the State of Wisconsin Department of Health and Social Services or the County Department of Human Services shall provide the building administrator with a certified copy of the most recent court order affecting the release of information from a specific child’s student records. Additionally, in the case of a foster child placed voluntarily, the natural parent, foster parent or the state or county departments shall provide a copy of the applicable voluntary placement agreement entered into by and between the natural and foster parent(s) together with written permission for release of information. It shall be the responsibility of the parties involved to supply revisions to or replacements to such orders or agreements to the district.

Release of Physical Custody of Students to Other Than Custodial Parent(s) During School Hours

A student shall not be released to any person other than his/her natural parent or parents, his/her custodial parent or, in the case of joint custody orders, either custodial parent, a court appointed guardian or, pursuant to court order or voluntary placement agreement, a foster parent. Exceptions to this rule shall include:

1. Where written permission is received from one or both of the natural parents identifying the person(s) into whose custody the student is to be released.
2. Where written permission is received from a custodial parent, guardian or foster parent acting under a court order.
3. Under a court order specifying authority for such release of custody.
4. A student shall not be released to a parent who has been denied periods of physical placement by court order.

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