

## **Notification of Rights under FERPA**

The Wisconsin Educational Services Program Deaf and Hard of Hearing (Program) includes the Wisconsin School for the Deaf (School) and the Deaf and Hard of Hearing Outreach Team (Outreach). The Program is administered by the Wisconsin Department of Public Instruction (DPI). The federal Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students (i.e., students who are 18 years of age or older) involved with the Program certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Program receives a request for access.

Parents or eligible students should submit a written request to the Center Director or designee that identifies the records they wish to inspect. Center director or designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

Wisconsin law gives parents and eligible students the right to receive copies of education records, as well.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Program to amend a record should write to the school official having custody of the records, clearly identify the part of the record they want changed, and specify why it should be changed. If the Program decides not to amend the record as requested by the parent or eligible student, the Program will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA and Wisconsin law authorizes disclosure without consent. Some exceptions include:

- A. Disclosure to school officials with legitimate educational interests – A school official is a person who is required by DPI to have a license and is employed by the Program as an administrator, supervisor, instructor, or support staff member (including health or medical staff). A school official also may include a volunteer or contractor outside of the Program who performs an institutional service or function for which the Program would otherwise use its own employees and who is under the direct control of the Program with respect to the use and maintenance of PII from pupil records, such as an attorney, auditor, medical consultant, or therapist. A school official has a legitimate educational interest if the official needs to review a pupil record in order to fulfill his or her professional responsibility.

- B. Transfer of education records – Upon notification, the Program discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

Release of directory information – FERPA and Wisconsin law allows the Program to disclose appropriately designated “directory information” without written consent, unless you have advised the Program to the contrary within 14 calendar days of you receiving this notice. This notice will be distributed at the beginning of the school year. If you do not want the Program to disclose directory information from your child’s education records without your prior written consent, you must notify the Program in writing by October 1. The Outreach Team does not release directory information.

The School has designated the following information as directory information:

- student’s name,
- home town,
- grade level,
- date of birth,
- photographs,
- major field of study,
- participation in officially recognized activities and sports,
- weight and height of members of athletic teams,
- dates of attendance,
- degrees, honors and awards received, and
- school district of residence.

The primary purpose of directory information is to allow the Program to include information from your child’s education records in certain school publications. Examples include:

- a playbill, showing your student’s role in a drama production,
- the annual yearbook,
- honor roll or other recognition lists,
- graduation programs, and
- sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require the Program to provide military recruiters, upon request, with the names, addresses and telephone listings of School students, unless parents have advised the

School that they do not want their student's information disclosed without their prior written consent.<sup>1</sup>

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by WSD to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

Questions regarding this notice can be directed to Alex Slappey, Center Director at The Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

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<sup>1</sup> These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).