

WI DEPARTMENT OF CORRECTIONS NOTIFICATION OF RIGHTS UNDER FERPA FOR SECONDARY AND POSTSECONDARY FACILITIES

The Family Educational Rights and Privacy Act (FERPA) affords students who are 18 years of age or older ("eligible students") or parents 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 that the Wisconsin Department of Corrections Facility School, hereafter referred to as "the school", receives a request for access.

Eligible students or parents shall submit to the appropriate school official (e.g., Education Director or Guidance Counselor at the student's Adult or Juvenile Correctional Facility; Warden or Superintendent at the student's Adult or Juvenile Correctional Facility; Education Liaison as applicable), a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the eligible student or parent of the time and place where the records may be inspected.

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

Eligible students or parents who wish to ask the school to amend a record shall write to the appropriate school official, (e.g., Education Director or Guidance Counselor at the student's Adult or Juvenile Correctional Facility; Warden or Superintendent at the student's Adult or Juvenile Correctional Facility; Education Liaison as applicable), and clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the eligible student or parent, the school shall notify the eligible student or parent 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 authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel). A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a contractor which directly facilitates the school's educational programming through services, including those provided using the Internet; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a student or parent, or other volunteer assisting another school official in performing his or her tasks. A school official has a

legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional or contractual responsibilities.

4. While FERPA allows certain disclosures of education records without the eligible student or parent's consent, it continues to be the policy of the Wisconsin Department of Corrections to gain written consent from a student or parent for any disclosures of PII from student education records, whenever possible and practically feasible.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school 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

See the list below of the disclosures that secondary and postsecondary schools may make without consent.

FERPA permits the disclosure of PII from students education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the eligible student or parent, §99.32 of the FERPA regulations requires the school to record the disclosure. Eligible students or parents have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student under the following circumstances –

- To other school officials, including teachers, within the educational agency or facility whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced facility services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))