

December 14, 2015

Re: Immunization of Pupils

Dear Milwaukee County School District Administrator:

Over the past month or so, the Department of Public Instruction (the department) has been in contact with Milwaukee County District Attorney John Chisholm and his staff regarding pupil immunization. Specifically, D.A. Chisholm has advised the department that some school districts are reluctant to submit to D.A. Chisholm the names of pupils who fail to provide the district sufficient evidence that they have received the immunization required under Wis. Stat. section 252.04 or have not submitted a written waiver to the school district expressing objection to the pupil being immunized. Wisconsin Statute Section 252.04(6) states:

(6) The School, childcare center, or nursery school shall notify the district attorney of the county in which the student resides of any minor student who fails to present written evidence of completed immunization for a written waiver under sub.(3) within 60 school days after being admitted to the school, childcare center, or nursery school. The District Attorney shall petition the court exercising jurisdiction under CHS. 48 and 938 for an order directing that the student be in compliance with the requirement of this section. If the court grants the petition, the court may specify the date by which a written waiver shall be submitted under sub. (3) or may specify the terms of the immunization schedule. The court may require an adult student or the parent, guardian, or legal custodian of a minor student who refuses to submit a written waiver by the specified date or meet the terms of the immunization schedule to forfeit not more than \$25 per day of violation.

According to D.A. Chisholm, some districts believe that they cannot provide this information because doing so would violate FERPA or Wisconsin's pupil records law, Wisconsin Statute section 118.125. Please know that the District Attorney will be filing a petition and order with the Milwaukee County Circuit Court Judge seeking an order requiring your school district to comply with Wis. Stat. section 252.04(6). If a Milwaukee County Circuit court issues such an order, we advise you to do so. A court order in this regards supersedes FERPA and Wis. Stat. section 118.125.

We have been advised by the district attorney that his office has a long standing collaboration with school districts and health departments to promote compliance with the immunization law. This collaboration has resulted in a dramatic increase in the number of children who receive immunizations. The increase in immunization and this collaboration has been accomplished without any parents or legal custodians being subjected to fines or forfeitures. It is the intention of this collaboration to make certain that parents are aware of their responsibilities and the resources available to them in order to have their children immunized to promote a safe school environment.

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The purpose of this e-mail is to keep you informed on this important issue and advise you that you will be receiving a petition and order so that you are able to comply with Wis. Stat. section 252.04(6) without violating FERPA or Wisconsin's pupil records law, Wis. Stat. section 118.125.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Thompson, PhD
Deputy State Superintendent

MT/mjc