

Vote Record

Senate Committee on Education

Date: 2-9-00
 Moved by: _____
 AB: _____
 AB: _____ SB: 333
 AJR: _____ SJR: _____
 A: _____ SR: _____

Seconded by: _____
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage *as am.*
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judy Robson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Vote Record

Senate Committee on Education 50286

Date: 2-9-00

Moved by: _____

AB: _____

AB: _____ SB: 333

AJR: _____ SJR: _____

A: _____ SR: _____

Seconded by: _____

Clearinghouse Rule: _____

Appointment: _____

Other: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

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<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judy Robson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sen. Mary Lazich	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Vote Record

Senate Committee on Education

Date: 3-22-00

Moved by: _____

AB: _____

AB: _____ SB: 333

AJR: _____ SJR: _____

A: _____ SR: _____

Seconded by: _____

Clearinghouse Rule: _____

Appointment: _____

Other: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: LRB 0333/1

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Richard Grobschmidt, Chair

Sen. Robert Jauch

Sen. Kevin Shibilski

Sen. Jim Baumgart

Sen. Judy Robson

Sen. Jon Erpenbach

Sen. Alberta Darling

Sen. Carol Roessler

Sen. Joanne Huelsman

Sen. Mary Lazich

Sen. Margaret Farrow

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Senate Committee on Education

Date: 03/22/00
 Moved by: _____ Seconded by: _____
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: 333 Appointment: _____
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 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage *as amended*
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 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sen. Jim Baumgart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 033#1.

AYE ✓ NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE ✓ NO _____

Signature: *John D. B. Nelson*

Date: 3-22-00



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0331/1.

AYE X

NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE X

NO _____

Signature: Richard Grobschmidt

Date: March 23, 2000



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0333/1.

AYE X

NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE X

NO _____

Signature: James B. Hurler

Date: March 23, 2000



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – ^SAB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 033B/1.

AYE _____ ✓ _____ NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE _____ ✓ _____ NO _____

Signature: *Richard Grobschmidt*

Date: 3-23-2000



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0331/1.

AYE ✓ NO

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE ✓ NO

Signature: James R. Barnhart

Date: 03-23-2000



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0331/1.

AYE X NO

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE X NO

Signature: Cawla A. Boesler

Date: March 22, 2000



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0331/1.

AYE X NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE X NO _____

Signature: *Jan Eppert*

Date: 3/23/2000



WISCONSIN STATE SENATOR

RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0333/1.

AYE X NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE _____ NO X

Signature: Albert Darling

Date: 3/23/00



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0333/1.

AYE _____

NO X _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE _____

NO X _____

Signature: Margaret A. Farrow

Date: 3-23-00



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0331/1.

AYE X

NO _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE X

NO _____

Signature: [Handwritten Signature]

Date: 3/23/00



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

March 23, 2000

TO: Members, Senate Education Committee

FROM: Senator Richard Grobschmidt, Chairman

RE: Paper Ballot – SB 333 relating to the disclosure of pupil records by the department of public instruction.

Please return your ballots by 4:00 p.m. today, Thursday, March 23. Your consideration is greatly appreciated.

Motion by Senator Grobschmidt, that the Senate Education Committee recommends introduction and adoption of Senate Substitute Amendment LRB 0338/1.

AYE _____

NO X _____

Motion by Senator Grobschmidt, that the Senate Education Committee recommends passage of Senate Bill 399 as amended.

AYE _____

NO X _____

Signature: _____

Mary A. Rajich

Date: _____

3-23-00



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: March 8, 2000

TO: SENATOR RICHARD GROBSCHMIDT AND INTERESTED LEGISLATORS

FROM: Russ Whitesel, Senior Staff Attorney

SUBJECT: Description of 1999 Senate Bill 333, Relating to the Disclosure of Pupil Records by the Department of Public Instruction, and Senate Substitute Amendment __ (LRBs0333/1) to Senate Bill 333

This memorandum, prepared at your request, describes: (a) pertinent current state and federal law; (b) 1999 Senate Bill 333, relating to the disclosure of pupil records by the Department of Public Instruction (DPI); and (c) Senate Substitute Amendment __ (LRBs0333/1) to Senate Bill 333 (attached). Senate Bill 333 was introduced by you; cosponsored by Representative Olsen. The bill was referred to the Senate Committee on Education which held a public hearing on the bill on March 8, 2000.

A. EXCEPTION TO CONFIDENTIALITY OF PUPIL RECORDS

I. Current State Law

Under current state and federal law, with certain exceptions, all pupil records maintained by a public school are confidential. One current exception in state law requires a school board to provide to DPI any information contained in a pupil record that:

- a. Relates to an audit or evaluation of a federal or state-supported program; or
- b. Is required to determine compliance with requirements in the *state* laws relating to schools, that is, chs. 115 to 121, Stats.

This exception specifies that DPI must keep this information confidential and, thus, does not provide that DPI may disclose the information to federal officials in connection with an audit or evaluation of federal-supported programs.

2. Current Federal Law

Federal regulations that interpret the Federal Family Educational Rights and Privacy Act (FERPA) specify that authorized representatives of the following may have access to "education records 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 which relate to those programs":

- a. The Comptroller General of the United States.
- b. The U.S. Secretary of Education.
- c. State and local *educational authorities*. [34 C.F.R. ss. 99.31 (a) (3) and 99.35.]

Except in limited circumstances, federal regulations specify that: (a) the information collected for these purposes must be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to above; and (b) the information must be destroyed when it is no longer needed for these purposes. [34 C.F.R. s. 99.35 (b) and (c).]

3. Senate Bill 333

Senate Bill 333 amends the exception in state law discussed in item 1., above, to specify that a school board must provide DPI with any information contained in a pupil record that is:

- a. In connection with an audit or evaluation of a federal or state-supported *education* program; or
- b. For the enforcement of or compliance with *federal* law relating to such a program.

The bill also allows DPI to disclose this information to the U.S. Comptroller General or the U.S. Secretary of Education, or to appropriate *state agencies* and local educational agencies, as determined by the State Superintendent of Public Instruction (State Superintendent), in connection with: (a) an audit or evaluation of a federal or state-supported education program; or (b) for the enforcement of or compliance with federal law relating to such a program. The bill specifies that a person to whom information is disclosed for this purpose may not disclose the information to any other person and must destroy the information when it is no longer needed. The bill provides that if a person discloses the information, DPI may not disclose information to that person for three years.

4. Senate Substitute Amendment — (LRBs0333/1) to Senate Bill 333

Senate Substitute Amendment __ (LRBs0333/1) to Senate Bill 333 amends the exception in state law discussed in item 1., above, to specify that a school board must provide DPI with any information contained in a pupil record that is:

C. AVAILABILITY OF PUPIL ASSESSMENT EXAMINATION

1. Current Law

Under current law, the State Superintendent must make available upon request, within 90 days after the date of administration, any pupil assessment examination that is required to be administered under s. 118.30, Stats., that is, the fourth, eighth and tenth grade knowledge and concepts examinations and the high school graduation examination. This provision does not apply while the examination is being developed or validated.

2. Senate Bill 333

Senate Bill 333 does not amend current law with respect to this provision.

3. Senate Substitute Amendment — (LRBs0333/1) to Senate Bill 333

The substitute amendment provides that the State Superintendent must allow a person to view any of these s. 118.30 pupil assessment examinations if the person submits to the State Superintendent a *written* request to do so within 90 days after the date of administration of the examination. As under current law, this provision does not apply while an examination is being developed or validated.

In addition, the substitute amendment requires the State Superintendent to promulgate administrative rules establishing procedures to administer this provision. To the extent feasible, the rules must protect the security and confidentiality of the s. 118.30 pupil assessment examinations.

If you would like any further information on this subject, please feel free to contact either of us at the Legislative Council Staff offices at 266-1304.

JLK:tlu:ksm;ksm;tlu

Attachment

- a. In connection with an audit or evaluation of a federal or state-supported education program;
- b. For the enforcement of or compliance with *federal* law relating to such a program;
or
- c. Required to determine compliance with requirements in the *state* laws relating to schools.

Items a. and b. are the same as the bill. *Item c. was not included in the bill but is included in the current statutes.*

The substitute amendment contains the provisions in the bill described in the second paragraph of item 3., above. This means that the substitute amendment allows DPI to disclose information in a pupil record to certain federal, state and local entities as indicated in item 3., above, if item a. or b. applies, but *not* if item c. applies.

B. FEE FOR THE COST OF SEPARATING INFORMATION

1. Current Law

Current law specifies that if a record contains information that is subject to disclosure under the state open records law and information that is not subject to disclosure, the authority having custody of the record must provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release. [s. 19.36 (6), Stats.] According to an opinion of the Wisconsin Attorney General, because no provision was made in the law, the cost of separating confidential information from nonconfidential information under this statute *may not be charged to the person who requests access to the record.* [72 Op. Wis. Att'y Gen. 99 (1983).]

2. Senate Bill 333

Senate Bill 333 allows DPI to charge a person who asks for a copy of a record a fee sufficient to cover the cost of deleting from the record information that is prohibited from being disclosed under state or federal law.

3. Senate Substitute Amendment — (LRBs0333/1) to Senate Bill 333

The substitute amendment contains the *same provisions as the bill* with respect to this issue.