



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 616**

February 19, 2014 - Offered by Representative T. LARSON.

1 **AN ACT to amend** 118.125 (2) (intro.); and **to create** 118.125 (1) (am) and 118.125
2 (2) (q) of the statutes; **relating to:** prohibiting a school board from collecting
3 a pupil's biological identifiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.125 (1) (am) of the statutes is created to read:

5 118.125 (1) (am) "Biological identifier" means a fingerprint, voice print, retina
6 or iris image, genetic data, or other similar unique biological characteristic of a pupil
7 that may be used for the automated recognition of the pupil. "Biological identifier"
8 does not include a biological characteristic of a pupil that the school collects or
9 maintains for a purpose other than the automated recognition of the pupil.

10 **SECTION 2.** 118.125 (2) (intro.) of the statutes is amended to read:

11 118.125 (2) **CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS.** (intro.) All
12 pupil records maintained by a public school shall be confidential, except as provided

1 in pars. (a) to ~~(p)~~ (q) and sub. (2m). The school board shall adopt policies to maintain
2 the confidentiality of such records and may adopt policies to promote the disclosure
3 of pupil records and information permitted by law for purposes of school safety.

4 **SECTION 3.** 118.125 (2) (q) of the statutes is created to read:

5 118.125 **(2)** (q) 1. A school board may not collect or maintain a biological
6 identifier from a pupil, or allow any person to maintain on behalf of the school board
7 a biological identifier of a pupil, in a format that is used for the automated recognition
8 of the pupil, unless the school board has notified the pupil's parent, legal guardian,
9 or guardian ad litem of any biological identifiers that it contemplates collecting with
10 respect to the pupil, has informed the parent, legal guardian, or guardian ad litem
11 that he or she has 14 days to inform the school board that all or any biological
12 identifiers of the pupil may not be so collected or so maintained without the prior
13 consent of the parent, legal guardian, or guardian ad litem, and has allowed 14 days
14 for the parent, legal guardian, or guardian ad litem to inform the school board that
15 all or any biological identifiers of the pupil may not be collected or maintained
16 without the prior consent of the parent, legal guardian, or guardian ad litem and the
17 parent, legal guardian, or guardian ad litem has not so informed the school board or
18 school district clerk or his or her designee.

19 2. Notwithstanding par. (g), a school board may not disclose a pupil record
20 containing a biological identifier collected under subd. 1. to any state or federal
21 official or agency.

22 3. A school board may not disclose a pupil record containing a biological
23 identifier collected under subd. 1. to any person who is serving as a school official and
24 who is not an employee of the school board unless the person meets all of the following
25 criteria:

1 a. The person is under the direct control of the school board with respect to the
2 use and maintenance of the records.

3 b. The person agrees to use the record only for the purposes for which the
4 disclosure was made.

5 c. The person agrees not to disclose the record to any other person without the
6 prior consent of the pupil, if the pupil is an adult, or the pupil's parent or guardian,
7 if the pupil is a minor.

8 4. If a pupil record contains a biological identifier of a pupil that was not
9 collected by the school board to be used for the automated recognition of the pupil,
10 and the school board does not maintain, or allow any person to maintain on behalf
11 of the school board, the record or any portion of the record in a format that is used
12 for the automated recognition of the pupil, subds. 1. to 3. do not apply to the record.

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(END)