



## 2003 ASSEMBLY BILL 828

February 9, 2004 - Introduced by Representatives M. WILLIAMS, M. LEHMAN, GRONEMUS, GIELOW, JESKEWITZ, KESTELL, TOWNS, J. WOOD, McCORMICK, HAHN, ALBERS, HINES, KRAWCZYK, J. LEHMAN, TAYLOR, STONE, GUNDERSON, POPE-ROBERTS, VAN ROY and VRAKAS, cosponsored by Senator DECKER. Referred to Committee on Colleges and Universities.

1     **AN ACT** *to amend* 20.485 (5) (gm); and *to create* 20.485 (5) (i) and 45.54 (11) of  
2     the statutes; **relating to:** the preservation of student records of a school  
3     approved by the Educational Approval Board and certain other schools when  
4     the school discontinues its operations and making appropriations.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools (EAB-approved schools) to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Under current administrative rules, the EAB may seek a court order to take possession of an EAB-approved school's records if it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal place of business in this state before 1970, schools that are licensed or approved, and supervised, by other state agencies, schools approved by the Department of Public Instruction (DPI) for the training of teachers, and schools accredited by accrediting agencies recognized by the EAB (schools not approved by the EAB).

This bill permits the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB operating in this state if the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the

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EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records or the authorized representatives of those persons. The bill also permits the EAB to seek a court order authorizing the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB if necessary to protect those records from being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records or the authorized representatives of those persons. The bill requires the EAB to preserve any student record that comes into its possession and to keep the student record confidential as provided in the federal Family Educational Rights and Privacy Act of 1974, which generally requires student records to be kept confidential and not to be disclosed except to the person who is the subject of the record or a person authorized by that person.

For purposes of the bill, “student record” is defined, in the case of an EAB-approved school, as a transcript for a student or former student of a school showing the name of the student, the title of the program in which the student was or is enrolled, the total number of credits or hours of instruction completed by the student, the dates of enrollment, the grade for each course, lesson, or unit of instruction completed by the student, the student’s cumulative grade for the program, and an explanation of the school’s credit and grading system. In the case of a school that is not approved by the EAB, “student record” is defined as a transcript for a student or former student of the school showing such information about the academic work completed by the student or former student as is customarily maintained by the school.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.485 (5) (gm) of the statutes, as created by 2003 Wisconsin Act  
2 33, is amended to read:

3           20.485 (5) (gm) *Student protection.* All moneys received from the fees received  
4 under s. 45.54 (10) (c) 4., for the purpose of indemnifying students, parents, or  
5 sponsors under s. 45.54 (10) (a) and for the purpose of preserving under s. 45.54 (11)  
6 the student records of schools, as defined in s. 45.54 (1) (e), that have discontinued  
7 their operations.

8           **SECTION 2.** 20.485 (5) (i) of the statutes is created to read:

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1           20.485 (5) (i) *Closed schools; preservation of student records.* All moneys  
2 received from fees collected under s. 45.54 (11) (c) to be used for the administrative  
3 costs of taking possession of, preserving, and providing copies of student records of  
4 schools, as defined in s. 45.54 (11) (a) 1., that have discontinued their operations.

5           **SECTION 3.** 45.54 (11) of the statutes is created to read:

6           45.54 (11) CLOSED SCHOOLS; PRESERVATION OF RECORDS. (a) In this subsection:

7           1. Notwithstanding sub. (1) (e), “school” has the meaning given in sub. (1) (e)  
8 (intro.) and also includes a school described in sub. (1) (e) 1., 6., 7., or 8.

9           2. “Student record” means, in the case of a school, as defined in sub. (1) (e)  
10 (intro.), a transcript for a student or former student of a school showing the name of  
11 the student, the title of the program in which the student was or is enrolled, the total  
12 number of credits or hours of instruction completed by the student, the dates of  
13 enrollment, the grade for each course, lesson, or unit of instruction completed by the  
14 student, the student’s cumulative grade for the program, and an explanation of the  
15 school’s credit and grading system. In the case of a school described in sub. (1) (e) 1.,  
16 6., 7., or 8., “student record” means a transcript for a student or former student of the  
17 school showing such information about the academic work completed by the student  
18 or former student as is customarily maintained by the school.

19           (b) If a school operating in this state discontinues its operations, proposes to  
20 discontinue its operations, or is in imminent danger of discontinuing its operations  
21 as determined by the board and if the board determines that the student records of  
22 the school are in danger of being destroyed, secreted, mislaid, or otherwise made  
23 unavailable to the persons who are the subjects of those student records or the  
24 authorized representatives of those persons, the board may take possession of those  
25 student records. If necessary to protect student records from being destroyed,

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1 secreted, mislaid, or otherwise made unavailable to the persons who are the subjects  
2 of those student records or the authorized representatives of those persons, the board  
3 may seek a court order authorizing the board to take possession of those student  
4 records.

5 (c) The board shall preserve a student record that comes into the possession of  
6 the board under par. (b) and shall keep the student record confidential as provided  
7 under 20 USC 1232g and 34 CFR Part 99. A student record in the possession of the  
8 board is not open to public inspection or copying under s. 19.35 (1). Upon request of  
9 the person who is the subject of a student record or an authorized representative of  
10 that person, the board shall provide a copy of the student record to the requester. The  
11 board may charge a fee for providing a copy of a student record. The fee shall be based  
12 on the administrative cost of taking possession of, preserving, and providing the copy  
13 of the student record. All fees collected under this paragraph shall be credited to the  
14 appropriation account under s. 20.485 (5) (i).

15 (END)