

1999 Assembly Bill 663

Date of enactment:  
Date of publication\*:

# 1999 WISCONSIN ACT

AN ACT *to renumber and amend* 118.30 (3); *to amend* 118.125 (2) (g) 2.; and *to create* 118.125 (7) and 118.30 (3) (b) of the statutes; **relating to:** the disclosure of pupil records by the department of public instruction, the confidentiality of pupil assessments and granting rule-making authority.

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

**SECTION 1.** 118.125 (2) (g) 2. of the statutes is amended to read:

118.125 (2) (g) 2. Upon request by the department, the school board shall provide the department with any information contained in a pupil record that ~~relates to~~ is in connection with an audit or evaluation of a federal or state-supported education program, for the enforcement of or compliance with federal law relating to such a program or that is required to determine compliance with requirements under chs. 115 to 121. ~~The department shall keep confidential all pupil records provided to the department by a school board.~~

**SECTION 2.** 118.125 (7) of the statutes is created to read:

118.125 (7) CONFIDENTIALITY OF INFORMATION PROVIDED TO DEPARTMENT. (a) The department shall keep confidential all information relating to individual pupils that is provided to the department except that the department may disclose such 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, in connection with an audit or evaluation of a federal or state-supported education program or for the enforcement of

or compliance with federal law relating to such a program.

(b) A person to whom information is disclosed under par. (a) shall not disclose the information to any other person and shall destroy the information when it is no longer needed for the purposes specified in par. (a).

(c) If the department determines that a person to whom information is disclosed under par. (a) has disclosed the information in violation of par. (b), the department may not disclose information relating to individual pupils to that person for 3 years from the date of the determination.

(d) In addition to the fees specified in s. 19.35 (3), the department may impose a fee upon a requester that does not exceed the actual, necessary and direct cost of deleting from the requested record information that is prohibited from being disclosed under this section or 20 USC 1232g.

**SECTION 3.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and amended to read:

118.30 (3) (a) The state superintendent shall ~~make available upon request,~~ allow a person to view an examination required to be administered under this section if the person submits to the state superintendent a written request to do so within 90 days after the date of administration, ~~any of the examination required to be administered under this section.~~ This subsection para-

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

graph does not apply while ~~the~~ an examination is being developed or validated.

**SECTION 4.** 118.30 (3) (b) of the statutes is created to read:

118.30 (3) (b) The state superintendent shall promul-

gate rules establishing procedures to administer par. (a). To the extent feasible, the rules shall protect the security and confidentiality of the examinations required to be administered under this section.

---