

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB663)

Received: 02/14/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-5186

By/Representing: Mike TeRonde

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - state superintendent

Extra Copies: MJL

Sent to Rep. Olsen's office on 2/21/00 per telephone conversation. Klg

Pre Topic:

No specific pre topic given

Topic:

Disclosure of pupil records by DPI

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 02/14/2000	csicilia 02/14/2000		_____			
/1			hhagen 02/14/2000	_____	lrb-docadmin 02/14/2000	lrb-docadmin 02/14/2000	
/2	grantpr 02/16/2000	csicilia 02/16/2000	martykr 02/16/2000	_____	lrb_docadmin 02/16/2000	lrb-docadmin 02/16/2000	

FE Sent For:

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1/?	grantpr	1 gjs 2/14 oo	kh 2/14	scf 2/14			

FE Sent For:

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Wanted
Tues. am

0304/1

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(DN)

~~SENATE~~ SUBSTITUTE AMENDMENT ,

TO 1999 ~~SENATE~~ BILL ~~383~~ 663

A

^

1 **AN ACT** to amend 118.125 (2) (g) 2.; and to create 118.125 (7) of the statutes;
2 relating to: the disclosure of pupil records by the department of public
3 instruction.

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

^

4 **SECTION 1.** 118.125 (2) (g) 2. of the statutes is amended to read:
5 118.125 (2) (g) 2. Upon request by the department, the school board shall
6 provide the department with any information contained in a pupil record that relates
7 to is in connection with an audit or evaluation of a federal or state-supported
8 education program, for the enforcement of or compliance with federal law relating
9 to such a program or that is required to determine compliance with requirements
10 under chs. 115 to 121. ~~The department shall keep confidential all pupil records~~
11 ~~provided to the department by a school board.~~

^

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

1 118.125(7) CONFIDENTIALITYOFINFORMATIONPROVIDEDTODEPARTMENT . (a) The
2 department shall keep confidential all information relating to individual pupils that
3 is provided to the department except that the department may disclose such
4 information to the U.S. comptroller general or the U.S. secretary of education, or to
5 appropriate state agencies and local educational agencies, as determined by the state
6 superintendent, in connection with an audit or evaluation of a federal or
7 state-supported education program or for the enforcement of or compliance with
8 federal law relating to such a program.

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

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

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

20 **(END)**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0286/1dn
PG:cjs:km

February 7, 2000

As I discussed with Bob Paul, this substitute amendment restores language that appears to conflict with federal law. If you have questions or need more information, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

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2

SOON

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 663**

INS. 1-3

re-generated

1 AN ACT *to amend* 118.125 (2) (g) 2., and to *create* 118.125 (7) of the statutes;
2 relating to: the disclosure of pupil records by the department of public
3 instruction.

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

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4 is provided to the department except that the department may disclose such
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6 appropriate state agencies and local educational agencies, as determined by the state
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9 federal law relating to such a program.

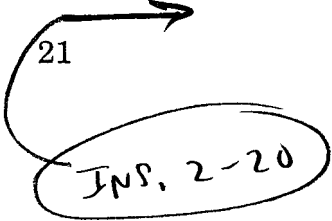
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14 disclosed under par. (a) has disclosed the information in violation of par. (b), the
15 department may not disclose information relating to individual pupils to that person
16 for 3 years from the date of the determination.

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

21

(END)



**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 663**

INS
1-3

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after "instruction" insert the confidentiality of pupil
3 assessments and granting rule-making authority

4 **2.** Page 3, line 11: after that line insert:

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

7 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
8 allow a nerson to view an examination reauired to be administered under this section
9 if the nerson submits to the state sunerintendent a written reauest to do so within
10 90 days after the date of administration- of the examination reauired to be
11 administered under this section. This subsection paragraph does not apply while the
12 an examination is being developed or validated.

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

INS
2-20



1 118.30 (3) (b) The state superintendent shall promulgate rules establishing
2 procedures to administer par. (a). To the extent feasible, the rules shall protect the
3 security and confidentiality of the examinations required to be administered under
4 this section.

(END)

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