

1999 SENATE BILL 333

January 21, 2000 - Introduced by Senator GROBSCHMIDT, cosponsored by Representative OLSEN. Referred to Committee on Education.

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.

Analysis by the Legislative Reference Bureau

Under current state and federal law, with certain exceptions, all pupil records maintained by a public school are confidential. One exception in state law requires a school board to provide to the department of public instruction (DPI) any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with requirements in the state laws relating to schools.

This bill conforms this exception to federal law (see 20 USC 1232g and 34 CFR 99.35 (a)). Under the bill, a school board must provide DPI with any information contained in a pupil record that is 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.

The bill also allows DPI to 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, 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. A person to whom information is disclosed may not disclose the information to anyone else and must destroy the information when it is no longer needed. If the person discloses the information, DPI may not disclose information to that person for three years.

SENATE BILL 333

Finally, the bill 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.

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

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

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

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

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

10 118.125 **(7)** CONFIDENTIALITY OF INFORMATION PROVIDED TO DEPARTMENT. (a) The
11 department shall keep confidential all information relating to individual pupils that
12 is provided to the department except that the department may disclose such
13 information to the U.S. comptroller general or the U.S. secretary of education, or to
14 appropriate state agencies and local educational agencies, as determined by the state
15 superintendent, in connection with an audit or evaluation of a federal or
16 state-supported education program or for the enforcement of or compliance with
17 federal law relating to such a program.

SENATE BILL 333

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

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

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

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(END)