

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB333)

Received: 02/24/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Richard Grobschmidt (608) 266-7505

By/Representing: Lisa

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - state superintendent

Extra Copies: MJL

Pre Topic:

No specific pre topic given

Topic:

Disclosure of pupil records, confidentiality of pupil assessments

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>
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FE Sent For:

<END>

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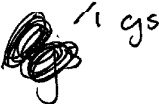
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1?	grantpr		1/25/00	Self 2/29			

FE Sent For:

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1999 - 2000 LEGISLATURE

(DN)

LRBs0304/2
PG:cjs:km

LRBs 033 / 1
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SENATE

~~ASSEMBLY~~ SUBSTITUTE AMENDMENT,
TO 1999 ~~ASSEMBLY~~ BILL ~~668~~ 333

SENATE

1 AN ACT *to renumber and amend* 118.30 (3); *to amend* 118.125 (2) (g) 2.; and
2 *to create* 118.125 (7) and 118.30 (3) (b) of the statutes; **relating to:** the
3 disclosure of pupil records by the department of public instruction, the
4 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:

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

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

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

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

13 (c) If the department determines that a person to whom information is
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 **SECTION 3.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and amended
22 to read:

23 **118.30 (3) (a)** The state superintendent shall ~~make available upon request,~~
24 allow a person to view an examination required to be administered under this section
25 if the person submits to the state superintendent a written request to do so within

1 90 days after the date of administration, ~~any of the examination required to be~~
2 ~~administered under this section.~~ This subsection paragraph does not apply while the
3 an examination is being developed or validated.

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

5 118.30 (3) (b) The state superintendent shall promulgate rules establishing
6 procedures to administer par. (a). To the extent feasible, the rules shall protect the
7 security and confidentiality of the examinations required to be administered under
8 this section.

9 (END)

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

LRBs0304/1dn
PGcjs:hmh

February 14, 2000

⑨ This
~~As I discussed with Bob Raun 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
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E-mail: Peter.Grant@legis.state.wi.us

In addition, the amendment adds material that ^{could} ~~result in~~ ^{result in} a ruling of ~~nongermane~~ ^{nongermaneness} if challenged. ~~that it is not permanent to~~ ^{nongermaneness} if challenged.

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

LRBs0331/1dn
PG:cjs:jf

February 25, 2000

This substitute amendment restores language that appears to conflict with federal law. In addition, the amendment adds material that could result in a ruling of nongermaneness, if challenged. If you have questions or need more information, please let me know.

Peter R. Grant
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