

1973 Assembly Bill 573

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CHAPTER 254, Laws of 1973

AN ACT to amend 119.04; and to create 118.125 of the statutes, relating to confidentiality and maintenance of public school pupil records 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 of the statutes is created to read:

118.125 Pupil records. (1) DEFINITIONS. In this section:

(a) "Pupil records" means all records relating to individual pupils maintained by an elementary or high school but does not include notes or records maintained for personal use by a teacher or other person who is required by the department under s. 115.28 (7) to hold a certificate, license or permit if such records and notes are not available to others nor does it include records necessary for, and available only to persons involved in, the psychological treatment of a pupil.

(b) "Behavioral records" means those pupil records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records and any other pupil records which are not progress records.

(c) "Progress records" means those pupil records which include the pupil's grades, a statement of the courses the pupil has taken, the pupil's attendance record and records of the pupil's school extracurricular activities.

(2) CONFIDENTIALITY. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (g). The school board shall adopt regulations to maintain the confidentiality of such records.

(a) A pupil, or the parent or guardian of a minor pupil, shall, upon request, be shown and provided with a copy of the pupil's progress records.

(b) An adult pupil or the parent or guardian of a minor pupil shall, upon request, be shown, in the presence of a person qualified to explain and interpret the records, the pupil's behavioral records. Such pupil or parent or guardian shall, upon request, be provided with a copy of the behavioral records.

(c) The judge of any court of this state or of the United States shall, upon request, be provided by the school district clerk with a copy of all progress records of a pupil who is the subject of any proceeding in such court.

(d) Pupil records may be made available to persons employed in the school which the pupil attends who are required by the department under s. 115.28 (7) to hold a certificate, license or permit.

(e) Upon the written permission of an adult pupil, or the parent or guardian of a minor pupil, the school shall make available to the person named in the permission the pupil's progress records or such portions of his behavioral records as determined by the person authorizing the release.

(f) Pupil records shall be provided to a court in response to subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any witness who has testified in the action. The court may turn said records or parts thereof over to parties in the action or their attorneys if said records would be relevant and material to a witness's credibility or competency.

(g) The school board may provide the department or any public officer with any information required under chs. 115 to 121.

(3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in writing specifying the content of pupil records and the time during which pupil records shall be maintained, except that no behavioral records may be maintained for more than one year after the date upon which the pupil graduated from or last attended the school, unless the pupil specifies in writing that individual behavioral records may be maintained. Rules adopted under this subsection shall be published by the school board as a class 1 notice under ch. 985. Pupils records need not be maintained for a period of longer than 5 years after the pupil ceases to be enrolled in the school. School districts may maintain such records on microfilm or in such form as the board deems appropriate.

(4) TRANSFER OF RECORDS. A school district shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he is an adult or his parent or

guardian if he is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled.

(5) **USE FOR SUSPENSION OR EXPULSION.** Nothing in this section prohibits the use of a pupil's records in connection with the suspension or expulsion of the pupil or the use of such records by a multi-disciplinary team under ch. 115.

(6) **APPLICATION TO EXISTING RECORDS.** Any records existing on the effective date of this act (1973) need not be revised for the purpose of deleting information from pupil records to comply with this section.

SECTION 2. 119.04 of the statutes is amended to read:

119.04 Public instruction laws applicable. Subchapter I of ch. 121 and ss. 59.07 (21) (a), 66.03 (3) (c), 115.01 (1) and (2), 115.76, 115.77, 115.79 to 115.85, 118.03 (1) (b) to (d) and (2), 118.04, 118.06, 118.07, 118.10, 118.12 (1), ~~118.125~~, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (7), 118.20, 118.24 (2) to (5), 120.13 (1), 120.49 (6), 120.61, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1), 121.83 and 121.84 (1) are applicable to the board of school directors and to schools in cities of the 1st class. The board shall exercise the powers, perform the functions and be entitled to all school aid therein provided insofar as the same are relevant to cities of the 1st class. The board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

SECTION 3. Effective date. This act shall first apply commencing with the beginning of the school year immediately following its enactment.
