

## CO-SPONSORSHIP MEMORANDUM

**To:** All Legislators

**From:** Rep. Mark Born and Sen. Luther Olsen

**Date:** February 6, 2019

**RE:** Co-sponsorship of LRB-1609/1, **relating to:** pupil records.

**Deadline:** **5PM on Friday, February 15, 2019**

In general, information contained within a pupil's record is confidential. However, state law permits school boards to disclose information that is categorized as "directory data" without first obtaining consent as long as certain notification procedures are followed. Wisconsin statute 118.125(1) (b) contains a list of all possible categories that a school can include in their list of directory data. The full list under current law is: a pupil's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the pupil.

Each individual school district may choose what, if any, information they would like to include in their list, but cannot include information that is not listed in statute. Parents and guardians are notified about the information and have the opportunity to opt out of permitting it to be disclosed without prior consent. This process often takes place at the beginning of the school year.

Under current law, certain individuals or agencies, including law enforcement and child welfare agencies, can access information contained within a pupil's record that is not designated as directory data, but only under specific circumstances. Currently, because the name of a pupil's parent or guardian is not included in the definition of directory data, a school would not be permitted to release that information except under the specific circumstances listed in statute. However, there are scenarios which access to the name of a pupil's parent or guardian in a timely manner would be useful for safety purposes.

LRB-1609/1 adds the name of a pupil's parent or guardian to the list of categories that a school can include in their list of directory data, subject to the same notification and opt-out requirements that apply to all other forms of directory data. This will allow a school to release a parent or guardian's name using the same process currently for all other categories of directory data.

If you would like to co-sponsor this legislation, please respond to this email or contact Representative Born's office at 6-2540 or Senator Olsen's office at 6-0751 by 5PM on Friday, February 15, 2019 . All co-sponsors will be added to both versions of the bill unless otherwise specified.

### **Analysis by the Legislative Reference Bureau**

*Under current law, pupil records are generally confidential. One exception to this general rule applies to directory data. Directory data may be disclosed to any person if a public school notifies parents and guardians of the categories of pupil information the school has designated as directory data, informs parents and guardians of an opt out procedure for such disclosures, and provides sufficient time for parents and guardians to utilize the opt out procedure.*

*Under current law, the categories of pupil information included in the definition of "directory data" include the pupil's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, photographs, weight and height as a member of an athletic team, degrees and awards received, and the school the pupil attended most recently. This bill adds the name of a pupil's parents or guardians to the list of categories of pupil information that a public school may designate as directory data.*