

1989 Assembly Bill 561

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1989 WISCONSIN ACT 168

AN ACT *to amend* 118.125 (1) (c), 118.125 (2) (intro.), 118.125 (2) (h), 118.125 (2m) (title) and 118.125 (2m) (b); and *to repeal and recreate* 118.125 (1) (a), 118.125 (1) (cm), 118.125 (1) (d), 118.125 (2m) (a), 118.125 (3) and 146.81 (4) of the statutes; and *to affect* 1987 Wisconsin Act 70, section 37, **relating to**: the confidentiality of pupil health care records.

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

SECTION 1. 118.125 (1) (a) of the statutes, as affected by 1987 Wisconsin Act 70, is repealed and recreated to read:

118.125 (1) (a) "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 other than his or her immunization records, and any other pupil records that are not progress records.

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

118.125 (1) (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, the pupil's immunization records and records of the pupil's school extracurricular activities.

SECTION 3. 118.125 (1) (cm) of the statutes is repealed and recreated to read:

118.125 (1) (cm) "Pupil physical health records" means those pupil records that include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an education program, the results of any routine

screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information, as determined by the state superintendent.

SECTION 4. 118.125 (1) (d) of the statutes, as affected by 1987 Wisconsin Act 70, is repealed and recreated to read:

118.125 (1) (d) "Pupil records" means all records relating to individual pupils maintained by a school but does not include notes or records maintained for personal use by a teacher or other person who is required by the state superintendent 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.

SECTION 5. 118.125 (2) (intro.) of the statutes is amended to read:

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

SECTION 6. 118.125 (2) (h) of the statutes is amended to read:

118.125 (2) (h) Information from ~~school health a~~ pupil's immunization records shall be made available to state and local health officials to carry out the purposes of s. 140.05 (16).

SECTION 7. 118.125 (2m) (title) of the statutes is amended to read:

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118.125 (2m) (title) CONFIDENTIALITY OF PUPIL PHYSICAL HEALTH RECORDS.

SECTION 8. 118.125 (2m) (a) of the statutes, as created by 1987 Wisconsin Act 70, is repealed and recreated to read:

118.125 (2m) (a) Except as provided in par. (b), any pupil record that relates to a pupil's physical health and that is not a pupil physical health record shall be treated as a patient health care record under ss. 146.81 to 146.83.

SECTION 9. 118.125 (2m) (b) of the statutes is amended to read:

118.125 (2m) (b) Any ~~part of a pupil health care~~ record that concerns the results of a test for the presence of HIV or an antibody to HIV shall be treated as provided under s. 146.025. In this subsection, "HIV" means human immunodeficiency virus.

SECTION 10. 118.125 (3) of the statutes, as affected by 1987 Wisconsin Act 70, is repealed and recreated to read:

118.125 (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. No behavioral records may be main-

tained for more than one year after the pupil ceases to be enrolled in the school, unless the pupil specifies in writing that his or her behavioral records may be maintained for a longer period. A pupil's progress records shall be maintained for at least 5 years after the pupil ceases to be enrolled in the school. A school district may maintain the records on microfilm or in such form as the school board deems appropriate. Rules adopted under this subsection shall be published by the school board as a class 1 notice under ch. 985.

SECTION 11. 146.81 (4) of the statutes, as affected by 1987 Wisconsin Act 70, is repealed and recreated to read:

146.81 (4) "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, but not those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 343.305, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125.

SECTION 12. 1987 Wisconsin Act 70, section 37, as affected by 1987 Wisconsin Act 399, is repealed.
