



Milwaukee Public Schools:

A+ in Leftist Activism

F in Student Privacy and Fair Elections

Milwaukee Public School (MPS) officials are advancing a scheme to use taxpayer-funded resources to help left-wing groups conduct targeted voter registration efforts inside Milwaukee's public schools. State legislators must step up and stop it.

THE SCHEME

MPS officials are currently advancing a new effort aimed at increasing voter turnout for the upcoming election, ordering school administrators to “generate a list of students who are 18 and who will be eligible to register for and vote.” Given that district staff are encouraged to connect with a specific group—the League of Women Voters, a group long aligned with the Left—to set up voter registration events, **it is clear that this effort is aimed at benefiting the Left at the expense of taxpayers and student privacy.**¹



This scheme likely violates both state and federal student privacy laws, while undermining the integrity of, and voter confidence in, Wisconsin elections. The State Legislature must stop it.

THE LAW

Wisconsin law generally requires that all student records be kept confidential unless an exception to the law applies.² One exception is for the disclosure of “directory data.” In Wisconsin, the district may only disclose those categories of directory data that it has so designated, and only if it has informed the parent, legal guardian, or guardian ad litem of the student of the categories designated and allowed them 14 days to provide the district with their disapproval of the release of their student's information.³

Here, MPS officials are ordering administrators “to ‘generate a list of students who are 18 and who will be eligible to register for and vote’ in the upcoming election.”⁴ Neither age nor voter eligibility are designated by the district as “directory data” and as such, **the disclosure of such information likely violates state law.**⁵

Federal law may also be violated. The Family Educational Rights and Privacy Act (FERPA) provides a similar framework for determining disclosure rules of school districts and restricts federal funding based on compliance.⁶ If a district is going to disclose directory data, FERPA—like Wisconsin law—requires districts to give public notice of the information it has designated as such.⁷ Once again, **the information that MPS plans to disclose goes beyond what it has designated as directory information, a likely violation of FERPA.**

STATE LEGISLATORS CAN STOP THIS SCHEME

Legislators should exercise their audit, oversight, and budgetary authority over school districts to shine a light on this scheme and identify the resources being diverted away from student academics and funneled to left-wing groups and targeted voter registration efforts that prey upon Wisconsin's youngest voters, unbeknownst to their parents. Legislators can also request a legal opinion from the Legislative Reference Bureau or Office of Legislative Council and share that opinion with District officials.



MORE INFORMATION

If you or your constituents are interested in more information on student privacy laws, scan the QR codes below:



Family Educational Rights and Privacy Act (FERPA)



Answers to Frequently Asked Questions About FERPA



Overview of the Wisconsin Pupil Records Law

BOTTOM LINE

While MPS officials continue to fail Milwaukee schoolchildren and divert resources away from academics and toward politics, Wisconsin's legislature can fight back, shine a light on this scheme, and demand accountability. For the sake of families across Wisconsin, it must.

Sources:

1. Dan O'Donnell, "MPS Student Voter Registration Plan Likely Violates Federal Privacy", <https://newstalk1130.iheart.com/featured/common-sense-central/content/2023-03-02-mps-student-voter-registration-plan-likely-violates-federal-privacy-law/>.
2. Wis. Stat. § 118.125. Wisconsin Legislature: 118.125(2).
3. Wis. Stat. § 118.125(2)(j)(1). Wisconsin Legislature: 118.125(2)(j)1.
4. O'Donnell, *supra* note 1.
5. MPS Administrative Policy 8.42(5)(e)1, https://mps.milwaukee.k12.wi.us/MPS-English/OBG/Clerk-Services/MPS-Rules-and-Policies/Administrative-Policies/Chapter-08/Administrative_Policy_08_42ej.pdf.
6. 20 U.S.C. § 1232g. 20 USC 1232g: Family educational and privacy rights (house.gov).
7. 20 U.S.C. § 1232g(a)(5)(B). 20 USC 1232g: Family educational and privacy rights (house.gov).