



2017 SENATE BILL 821

February 21, 2018 - Introduced by Senator CRAIG, cosponsored by Representatives THIESFELDT, KREMER, QUINN, WEATHERSTON, SANFELIPPO, JACQUE, KUGLITSCH, DUCHOW, SKOWRONSKI, HORLACHER, ALLEN, TUSLER, BRANDTJEN, PETERSEN, SCHRAA and WICHGERS. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 115.38 (1) (b) 2., 118.125 (3), 118.164 (3) (a)
2 4. and 118.21 (1); *to amend* 118.125 (3) (title), 118.127, 118.60 (7) (b) 7. b.,
3 119.23 (7) (b) 7. b., 938.396 (1) (c) 3. (intro.), 938.396 (1) (c) 3. a., 938.396 (1) (c)
4 3. c., 938.396 (1) (c) 3. d., 938.396 (1) (c) 4. and 938.396 (1) (d); and *to create*
5 115.28 (54t), 118.125 (1) (bc), 118.125 (1m), 118.125 (2) (dm), 118.125 (3) (b) 2.,
6 118.1255, 118.164 (3) (am) 2., 118.21 (1) (b), 118.40 (4) (ar) 3., 118.60 (1) (ae),
7 118.60 (7) (b) 4m., 118.60 (7) (b) 5m., 118.60 (7) (b) 7m., 119.16 (16), 119.23 (1)
8 (aem), 119.23 (7) (b) 4m., 119.23 (7) (b) 5m., 119.23 (7) (b) 7m., 120.12 (24m) and
9 120.12 (29) of the statutes; **relating to:** rights of and protections for teachers.

Analysis by the Legislative Reference Bureau

Notice of teacher rights and protections

This bill creates and modifies certain rights and protections for teachers and requires the Department of Public Instruction to include on its Internet site a summary of the laws governing these rights and protections, which include the following:

1. The right of a teacher to remove a pupil from a classroom under certain circumstances for the remainder of the school day.

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2. The right of a teacher to utilize a grievance procedure to address workplace safety concerns.

3. The right of a teacher to use reasonable and necessary force under certain circumstances.

4. The right of a school district employee or teacher to receive assistance and leave benefits if the teacher is injured as a result of a physical assault or violent crime while performing work duties.

5. The right of a teacher to terminate his or her contract without penalty if the teacher is a victim of a physical assault or violent crime while performing work duties.

6. Civil immunity provided to a teacher under state and federal laws for certain discretionary acts.

7. The right of a teacher to review, upon request, the behavioral records of a pupil enrolled in the teacher's class when the teacher has a legitimate educational interest, including a safety interest, in doing so.

Records and reporting

The bill requires each school board and independent charter school to maintain pupil behavioral records until the pupil has graduated from high school. If the pupil is no longer enrolled in a school in the school district and if the school district has not received a request to transfer the pupil's records to another school, the school district must retain the records until the pupil attains the age of 21. Current law prohibits a school board from maintaining such records for more than one year.

The bill also requires private schools participating in the Milwaukee, Racine, or statewide parental choice program to maintain behavioral records for each pupil while the pupil attends the private school for the same period of time as is required of public schools. Current law requires such private schools to maintain a pupil's progress records while the pupil attends the private school and for at least five years after the pupil ceases to attend the school. The bill requires a private school that is not participating in a parental choice program to maintain pupil behavioral records only if the private school has adopted a policy governing the maintenance of pupil progress records and, with one exception, for the same length of time the private school maintains the progress records. The private school is not required to maintain a pupil's behavioral records once the pupil has graduated from the private school. If a private school maintains behavioral records, the private school must keep the information confidential in the same manner as is required of a public school official who maintains behavioral records.

The bill also requires DPI to include additional information about suspensions and expulsions in the school district report it creates for each school district, including the number of physical assaults by pupils on teachers and other school district employees, on other pupils, and on adults not employed by the school district.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 115.28 (54t) of the statutes is created to read:

2 115.28 (54t) NOTICE OF TEACHER RIGHTS AND PROTECTIONS. Include on the
3 department's Internet site a summary of laws governing the rights and protections
4 afforded to a public school teacher under state and federal law. The state
5 superintendent shall include in the summary all of the following, and shall annually
6 provide electronic notice to each school board of the summary described in this
7 subsection:

8 (a) The right of a teacher, under s. 118.164 (2), to remove a pupil from the
9 classroom under certain circumstances.

10 (b) The right of a teacher to utilize the grievance procedure, established by the
11 school board as required under s. 66.0509 (1m) (a), to address a workplace safety
12 concern.

13 (c) The right of a teacher, under s. 118.31 (3), to use reasonable and necessary
14 force under certain circumstances.

15 (d) The right of a school district employee or teacher, under s. 120.12 (24m), and
16 of a charter school employee or teacher, under s. 118.40 (4) (ar) 3., to receive
17 assistance and leave benefits if the employee or teacher is injured as a result of a
18 physical assault or violent crime while performing work duties.

19 (e) The right of a teacher, under s. 118.21 (1) (b) or 119.16 (16), to terminate his
20 or her contract without penalty if the teacher is a victim of a physical assault or
21 violent crime while performing work duties.

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1 (f) Civil immunity provided to a teacher by s. 893.80 (4) and by 20 USC 7941
2 to 7948.

3 (g) The right of a teacher, under s. 118.125 (2) (dm), to review the behavioral
4 records of a pupil enrolled in the teacher's class if the teacher has a legitimate
5 educational interest, including a safety interest, in reviewing the records.

6 (h) Any other information the department considers relevant.

7 **SECTION 2.** 115.38 (1) (b) 2. of the statutes is renumbered 115.38 (1) (b) 2. (intro.)
8 and amended to read:

9 115.38 (1) (b) 2. (intro.) The following information about suspensions and
10 expulsions:

11 a. The numbers of suspensions and expulsions; the,

12 b. The reasons for which pupils are suspended or expelled, reported according
13 to categories specified by the state superintendent; and including all of the following
14 categories: physical assaults on teachers; physical assaults on other school district
15 employees; physical assaults on students; and physical assaults on adults not
16 employed by the school district. In this subd. 1. b., "physical assault" has the
17 meaning given in s. 118.21 (1) (b) 1.

18 c. The length of time for which pupils are expelled, reported according to
19 categories specified by the state superintendent; whether, including the categories
20 specified under subd. 2. b.

21 d. Whether pupils return to school after their expulsion; the,

22 e. The educational programs and services, if any, provided to pupils during
23 their expulsions, reported according to categories specified by the state
24 superintendent; including the categories specified under subd. 2. b.

25 f. The schools attended by pupils who are suspended or expelled; and the,

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1 g. The grade, sex, and ethnicity of pupils who are suspended or expelled and
2 whether the pupils are children with disabilities, as defined in s. 115.76 (5).

3 **SECTION 3.** 118.125 (1) (bc) of the statutes is created to read:

4 118.125 (1) (bc) “Governing board” means the governing board of a charter
5 school established under s. 118.40 (2r) or (2x).

6 **SECTION 4.** 118.125 (1m) of the statutes is created to read:

7 118.125 (1m) PUBLIC RECORDS LAWS APPLICABLE TO INDEPENDENT CHARTER
8 SCHOOLS. The duties and responsibilities imposed under this section on school boards
9 and upon a school district clerk or designee apply to a governing board.

10 **SECTION 5.** 118.125 (2) (dm) of the statutes is created to read:

11 118.125 (2) (dm) 1. The school district clerk or his or her designee shall, upon
12 request, make available to a person employed by the school district that the pupil
13 attends and required by the department under s. 115.28 (7) to hold a license the
14 behavioral records of a pupil who is enrolled in the person’s class if the person has
15 a legitimate educational interest, including a safety interest, in reviewing the
16 records. A school district may not be held liable for any damages caused by the
17 nondisclosure of any information specified in this subdivision unless the school
18 district or its agent acted with gross negligence or with reckless, wanton, or
19 intentional misconduct in failing to disclose the information.

20 2. A governing board or a designee of the governing board shall, upon request,
21 make available to an instructional staff member employed by the charter school that
22 the pupil attends the behavioral records of a pupil who is enrolled in the instructional
23 staff member’s class if the instructional staff member has a legitimate educational
24 interest, including a safety interest, in reviewing the records. In this subdivision,
25 “instructional staff” has the meaning given in the rules promulgated by the

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1 department under s. 121.02 (1) (a) 2. The governing board may not be held liable for
2 any damages caused by the nondisclosure of any information specified in this
3 subdivision unless the governing board or its agent acted with gross negligence or
4 with reckless, wanton, or intentional misconduct in failing to disclose the
5 information.

6 3. The governing body of a private school or a designee of the governing body
7 that maintains behavioral records of pupils attending the private school as provided
8 under s. 118.1255 or as required under ss. 118.60 (7) (b) 4m. and 119.23 (7) (b) 4m.
9 shall, upon request, make available to a teacher employed by the private school that
10 the pupil attends the behavioral records of a pupil who is enrolled in the teacher's
11 class if the teacher has a legitimate educational interest, including a safety interest,
12 in reviewing the records. The governing body of a private school may not be held
13 liable for any damages caused by the nondisclosure of any information specified in
14 this subdivision unless the governing body or its agent acted with gross negligence
15 or with reckless, wanton, or intentional misconduct in failing to disclose the
16 information.

17 **SECTION 6.** 118.125 (3) (title) of the statutes is amended to read:

18 118.125 (3) (title) MAINTENANCE OF RECORDS BY A SCHOOL BOARD OR INDEPENDENT
19 CHARTER SCHOOL.

20 **SECTION 7.** 118.125 (3) of the statutes is renumbered 118.125 (3) (a) and
21 amended to read:

22 118.125 (3) (a) Each school board and governing board shall adopt rules in
23 writing specifying the content of pupil records and the time during which pupil
24 records shall be maintained. No A school board or governing board shall publish
25 rules adopted under this subsection as a class 1 notice under ch. 985.

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1 **(b) 1. Except as provided in subd. 2., a school board or governing board shall**
2 **maintain behavioral records may be maintained for more than one year after of a**
3 **pupil for as long as the pupil ceases to be remains enrolled in a school in the school,**
4 **unless district or in the charter school and until the pupil specifies in writing that**
5 **his or her behavioral records may be maintained for a longer period has graduated**
6 **from high school in the school district or at the charter school.**

7 **(c)** A pupil's progress records shall be maintained for at least 5 years after the
8 pupil ceases to be enrolled in **a school in the school district or in the charter school.**

9 **(d)** A school board **or governing board** may maintain the **pupil** records on
10 microfilm, on an optical disc, or in electronic format if authorized under s. 19.21 (4)
11 (c), or in such other form as the school board **or governing board** deems appropriate.

12 **(e)** A school board **or governing board** shall maintain law enforcement officers'
13 records obtained under s. 48.396 (1) or 938.396 (1) (b) 2. or (c) 3. separately from a
14 pupil's other pupil records. ~~Rules adopted under this subsection shall be published~~
15 ~~by the school board as a class 1 notice under ch. 985.~~

16 **SECTION 8.** 118.125 (3) (b) 2. of the statutes is created to read:

17 118.125 **(3)** (b) 2. A school board or governing board shall maintain behavioral
18 records of a pupil until the pupil has attained the age of 21 if all of the following apply:

19 a. The pupil was enrolled in but is not currently enrolled in a school in the school
20 district or in the charter school.

21 b. The pupil has not graduated from a school in the school district or from the
22 charter school.

23 c. Neither the pupil nor the pupil's parent or guardian nor another school or
24 school district nor a court has submitted to the school board or governing board the
25 written notice described in sub. (4).

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1 **SECTION 9.** 118.1255 of the statutes is created to read:

2 **118.1255 Maintenance of records by a private school. (1)** In this section:

3 (a) “Behavioral records” has the meaning given in s. 118.125 (1) (a).

4 (b) “Progress records” has the meaning given in s. 118.125 (1) (c).

5 **(2)** (a) Subject to ss. 118.60 (7) (b) 4., 4m., 7., and 7m. and 119.23 (7) (b) 4., 4m.,
6 7., and 7m., and except as provided in par. (b), if the governing body of a private school
7 has adopted a policy governing the maintenance of progress records of a pupil who
8 attends the private school, the governing body shall maintain behavioral records of
9 a pupil for the same duration of time that the governing body is required by that
10 policy to maintain the progress records of the pupil. A private school official who
11 maintains behavioral records under this subsection shall keep the information in
12 those records confidential in the same manner as is required of a public school official
13 under s. 118.125.

14 (b) The governing body of a private school is not required to maintain the
15 behavioral records for a pupil once the pupil has graduated from the private school.

16 **SECTION 10.** 118.127 of the statutes is amended to read:

17 **118.127 Law enforcement agency information.** A school district, charter
18 school established under s. 118.40 (2r) or (2x), private school, or tribal school may
19 disclose information from law enforcement officers’ records obtained under s.
20 938.396 (1) (c) 3. only to persons employed by the school district who are required by
21 the department under s. 115.28 (7) to hold a license, to persons employed by the
22 private school or tribal school as teachers, to persons employed by the charter school
23 as instructional staff, and to other school district, private school, charter school, or
24 tribal school officials who have been determined by the school board, governing board
25 of the charter school, or governing body of the private school or tribal school to have

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1 legitimate educational interests, including safety interests, in that information. In
2 addition, if that information relates to a pupil of the school district, charter school,
3 private school, or tribal school, the school district, charter school, private school, or
4 tribal school may also disclose that information to those employees of the school
5 district, charter school, private school, or tribal school who have been designated by
6 the school board, governing board of the charter school, or governing body of the
7 private school or tribal school to receive that information for the purpose of providing
8 treatment programs for pupils enrolled in the school district, charter school, private
9 school, or tribal school. A school district may not use law enforcement officers'
10 records obtained under s. 938.396 (1) (c) 3. as the sole basis for expelling or
11 suspending a pupil or as the sole basis for taking any other disciplinary action
12 against a pupil, but may use law enforcement officers' records obtained under s.
13 938.396 (1) (c) 3. as the sole basis for taking action against a pupil under the school
14 district's athletic code.

15 **SECTION 11.** 118.164 (3) (a) 4. of the statutes is renumbered 118.164 (3) (am)
16 1. and amended to read:

17 118.164 (3) (am) 1. The school principal or his or her designee may return the
18 pupil to the class from which the pupil was removed if, except as provided in subd.
19 2., the pupil has remained out of the teacher's classroom for the remainder of the day
20 on which the pupil was removed from the classroom and if, after weighing the
21 interests of the removed pupil, the other pupils in the class, and the teacher, the
22 school principal or his or her designee determines that readmission to the class is the
23 best or only alternative.

24 **SECTION 12.** 118.164 (3) (am) 2. of the statutes is created to read:

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1 118.164 (3) (am) 2. The teacher of the pupil may waive the requirement that
2 the pupil remain out of the teacher's classroom for the remainder of the day.

3 **SECTION 13.** 118.21 (1) of the statutes is renumbered 118.21 (1) (a) and
4 amended to read:

5 118.21 (1) (a) The school board shall contract in writing with qualified teachers.
6 The school board shall file a contract, with a copy of the teacher's authority to teach
7 attached, ~~shall be filed~~ with the school district clerk. Such contract, in addition to
8 fixing the teacher's wage, may provide for compensating the teacher for necessary
9 travel expense. A teaching contract with any person not legally authorized to teach
10 the named subject or at the named school shall be void. All teaching contracts shall
11 terminate if, and when, the authority to teach terminates.

12 **SECTION 14.** 118.21 (1) (b) of the statutes is created to read:

13 118.21 (1) (b) 1. In this paragraph, "physical assault" means the knowing or
14 intentional touching of another person, by the use of any body part or object, with the
15 intent to cause physical harm. "Physical assault" does not include the reasonable
16 and necessary use of force for the purpose of self-defense or the defense of others
17 under s. 939.48.

18 2. Beginning on the effective date of this subdivision ... [LRB inserts date], the
19 school board shall include in each contract under this section a provision authorizing
20 the teacher to terminate his or her contract without penalty, including the penalty
21 of the payment of liquidated damages, if the teacher is the victim of a physical assault
22 or of a violent crime, as defined in s. 939.632 (1) (e), while the teacher is on school
23 premises, at or in transit to a school-sponsored activity, or otherwise engaged in
24 official duties on behalf of the school district. The provision required under this
25 subdivision shall specify that a teacher may terminate his or her contract as provided

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1 under this subdivision only if the teacher provides the school board with a law
2 enforcement report documenting the physical assault or violent crime within 2
3 months of the incident covered in the report.

4 **SECTION 15.** 118.40 (4) (ar) 3. of the statutes is created to read:

5 118.40 (4) (ar) 3. Ensure that a charter school employee or teacher who is
6 injured as a result of physical assault, as defined in s. 118.21 (1) (b) 1., or of a violent
7 crime, as defined in s. 939.632 (1) (e), upon the person of the employee or teacher
8 while the employee or teacher is in the performance of any duties as a charter school
9 employee or teacher is provided with a reasonable paid leave of absence from
10 employment with the governing board without a loss of leave benefits. Where
11 inpatient care involving an overnight stay is required, a reasonable paid leave of
12 absence is the longer of one workweek or the duration of the employee's or teacher's
13 inpatient care. Where inpatient care involving an overnight stay is not required but
14 medical treatment is needed, a reasonable paid leave of absence is the duration of
15 time necessary to receive medical treatment or, if a health care provider certifies in
16 writing that the employee or teacher is unable to return to work due to the injury,
17 the duration of time specified by the health care provider. The governing board is
18 entitled to the right of subrogation for reimbursement to the extent that an employee
19 or teacher who sustains injuries while the employee or teacher is in the performance
20 of his or her duties may recover the reimbursed items in an action or claim in tort
21 against any 3rd party. A repayment made under this subdivision shall be limited to
22 the total sum credited to the injured employee or teacher as damages for pay and
23 fringe benefits actually received in the settlement of any claim caused by the
24 negligence of the 3rd party. The governing board shall designate an employee to

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1 provide assistance to the charter school employee or teacher with insurance and
2 benefits questions related to a leave of absence taken under this subdivision.

3 **SECTION 16.** 118.60 (1) (ae) of the statutes is created to read:

4 118.60 (1) (ae) "Behavioral records" has the meaning given in s. 118.125 (1) (a).

5 **SECTION 17.** 118.60 (7) (b) 4m. of the statutes is created to read:

6 118.60 (7) (b) 4m. a. Except as provided in subd. 4m. b., maintain behavioral
7 records for each pupil attending the private school under this section while the pupil
8 attends the school under the program under this section and until the pupil has
9 graduated from high school.

10 b. Maintain behavioral records of a pupil until the pupil has attained the age
11 of 21 if all of the following apply: the pupil was enrolled in but is not currently
12 enrolled in the private school under this section; the pupil has not graduated from
13 the private school; neither the pupil nor the pupil's parent or guardian nor a school
14 or school district nor a court has submitted to the governing body of the private school
15 the written notice described in s. 118.125 (4).

16 c. A private school official who maintains behavioral records under this
17 subdivision shall keep the information in those records confidential in the same
18 manner as is required of a public school official under s. 118.125.

19 **SECTION 18.** 118.60 (7) (b) 5m. of the statutes is created to read:

20 118.60 (7) (b) 5m. An adult pupil or the parent or guardian of a minor pupil
21 shall, upon request, be shown, in the presence of a person qualified to explain and
22 interpret the records, the pupil's behavioral records. Such pupil or parent or
23 guardian shall, upon request, be provided with a copy of the behavioral records.

24 **SECTION 19.** 118.60 (7) (b) 7. b. of the statutes is amended to read:

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1 118.60 (7) (b) 7. b. If the private school is affiliated with an organization that
2 will maintain the progress records of each pupil who attended the school under this
3 section for at least 5 years after the private school ceases operation as a private
4 school, the private school may transfer a pupil's progress records to the organization
5 if the pupil, or the parent or guardian of a minor pupil, consents in writing to the
6 release of the progress records to the affiliated organization. The private school shall
7 send to the department a copy of the consent form for each pupil who consents to the
8 transfer of progress records under this subd. 7. b. The written notice shall be signed
9 by the pupil, or the parent or guardian of a minor pupil, and shall include the name,
10 phone number, mailing address, and other relevant contact information of the
11 organization that will maintain the progress records, and a declaration by the
12 affiliated organization that the organization agrees to maintain the progress records
13 for at least 5 years after the private school ceases operation as a private school.

14 **SECTION 20.** 118.60 (7) (b) 7m. of the statutes is created to read:

15 118.60 (7) (b) 7m. If the private school ceases operating as a private school,
16 immediately transfer all of the behavioral records of each pupil who attended the
17 school under this section to the school board of the school district within which the
18 pupil resides. The private school shall send written notice to each pupil, or to the
19 parent or guardian of a minor pupil, of the transfer of behavioral records under this
20 subdivision.

21 **SECTION 21.** 119.16 (16) of the statutes is created to read:

22 119.16 (16) **TEACHER EMPLOYMENT CONTRACTS.** Beginning on the effective date
23 of this subsection ... [LRB inserts date], the board shall include in any employment
24 contract with a teacher a provision authorizing the teacher to terminate his or her
25 contract without penalty, including the penalty of the payment of liquidated

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1 damages, if the teacher is a victim of a physical assault, as defined in s. 118.21 (1)
2 (b) 1., or of a violent crime, as defined in s. 939.632 (1) (e), while the teacher is on
3 school premises, at or in transit to a school-sponsored activity, or otherwise engaged
4 in official duties on behalf of the school district. The provision required under this
5 subsection shall specify that a teacher may terminate his or her contract as provided
6 under this subsection only if the teacher provides the school board with a law
7 enforcement report documenting the physical assault or violent crime within 2
8 months of the incident covered in the report.

9 **SECTION 22.** 119.23 (1) (aem) of the statutes is created to read:

10 119.23 (1) (aem) "Behavioral records" has the meaning given in s. 118.125 (1)
11 (a).

12 **SECTION 23.** 119.23 (7) (b) 4m. of the statutes is created to read:

13 119.23 (7) (b) 4m. a. Except as provided in subd. 4m. b., maintain behavioral
14 records for each pupil attending the private school under this section while the pupil
15 attends the school under the program under this section and until the pupil has
16 graduated from high school.

17 b. Maintain behavioral records of a pupil until the pupil has attained the age
18 of 21 if all of the following apply: the pupil was enrolled in but is not currently
19 enrolled in the private school under this section; the pupil has not graduated from
20 the private school; neither the pupil nor the pupil's parent or guardian nor a school
21 or school district nor a court has submitted to the governing body of the private school
22 the written notice described in s. 118.125 (4).

23 c. A private school official who maintains behavioral records under this
24 subdivision shall keep the information in those records confidential in the same
25 manner as is required of a public school official under s. 118.125.

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1 **SECTION 24.** 119.23 (7) (b) 5m. of the statutes is created to read:

2 119.23 (7) (b) 5m. An adult pupil or the parent or guardian of a minor pupil
3 shall, upon request, be shown, in the presence of a person qualified to explain and
4 interpret the records, the pupil's behavioral records. Such pupil or parent or
5 guardian shall, upon request, be provided with a copy of the behavioral records.

6 **SECTION 25.** 119.23 (7) (b) 7. b. of the statutes is amended to read:

7 119.23 (7) (b) 7. b. If the private school is affiliated with an organization that
8 will maintain the progress records of each pupil who attended the school under this
9 section for at least 5 years after the private school ceases operation as a private
10 school, the private school may transfer a pupil's progress records to the organization
11 if the pupil, or the parent or guardian of a minor pupil, consents in writing to the
12 release of the progress records to the affiliated organization. The private school shall
13 send to the department a copy of the consent form for each pupil who consents to the
14 transfer of progress records under this subd. 7. b. The written notice shall be signed
15 by the pupil, or the parent or guardian of a minor pupil, and shall include the name,
16 phone number, mailing address, and other relevant contact information of the
17 organization that will maintain the progress records, and a declaration by the
18 affiliated organization that the organization agrees to maintain the progress records
19 for at least 5 years after the private school ceases operation as a private school.

20 **SECTION 26.** 119.23 (7) (b) 7m. of the statutes is created to read:

21 119.23 (7) (b) 7m. If the private school ceases operating as a private school,
22 immediately transfer all of the behavioral records of each pupil who attended the
23 school under this section to the school board of the school district within which the
24 pupil resides. The private school shall send written notice to each pupil, or to the

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1 parent or guardian of a minor pupil, of the transfer of behavioral records under this
2 subdivision.

3 **SECTION 27.** 120.12 (24m) of the statutes is created to read:

4 120.12 (24m) ASSISTANCE AND LEAVE BENEFITS FOR VICTIMS OF PHYSICAL ASSAULT.

5 Ensure that a school district employee or teacher who is injured as a result of
6 physical assault, as defined in s. 118.21 (1) (b) 1., or of a violent crime, as defined in
7 s. 939.632 (1) (e), upon the person of the employee or teacher while the employee or
8 teacher is in the performance of any duties as a school district employee or teacher
9 is provided with a reasonable paid leave of absence from employment with the school
10 district without a loss of leave benefits. Where inpatient care involving an overnight
11 stay is required, a reasonable paid leave of absence is the longer of one workweek or
12 the duration of the employee's or teacher's inpatient care. Where inpatient care
13 involving an overnight stay is not required but medical treatment is needed, a
14 reasonable paid leave of absence is the duration of time necessary to receive medical
15 treatment or, if a health care provider certifies in writing that the employee or
16 teacher is unable to return to work due to the injury, the duration of time specified
17 by the health care provider. The school board is entitled to the right of subrogation
18 for reimbursement to the extent that an employee or teacher who sustains injuries
19 while the employee or teacher is in the performance of his or her duties may recover
20 the reimbursed items in an action or claim in tort against any 3rd party. A repayment
21 made under this subsection shall be limited to the total sum credited to the injured
22 employee or teacher as damages for pay and fringe benefits actually received in the
23 settlement of any claim caused by the negligence of the 3rd party. The school board
24 shall designate a school district employee to provide assistance to the school district

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1 employee or teacher with insurance and benefits questions related to a leave of
2 absence taken under this subsection.

3 **SECTION 28.** 120.12 (29) of the statutes is created to read:

4 120.12 (29) NOTICE OF TEACHER PROTECTIONS. Provide to each teacher employed
5 by the school board the summary described in s. 115.28 (54t).

6 **SECTION 29.** 938.396 (1) (c) 3. (intro.) of the statutes is amended to read:

7 938.396 (1) (c) 3. (intro.) At the request of a school district administrator,
8 administrator of a charter school established under s. 118.40 (2r) or (2x),
9 administrator of a private school, or administrator of a tribal school, or designee of
10 a school district administrator, charter school administrator, private school
11 administrator, or tribal school administrator, or on its own initiative, a law
12 enforcement agency may, subject to official agency policy, provide to the school
13 district administrator, charter school administrator, private school administrator, or,
14 provided the official agency policy specifies that the information may not be provided
15 to an administrator of a tribal school or a tribal school administrator's designee
16 unless the governing body of the tribal school agrees that the information will be used
17 by the tribal school as provided in s. 118.127, tribal school administrator or designee,
18 for use as provided in s. 118.127, any information in its records relating to any of the
19 following ~~if the official agency policy specifies that the information may not be~~
20 ~~provided to an administrator of a tribal school or a tribal school administrator's~~
21 ~~designee unless the governing body of the tribal school agrees that the information~~
22 ~~will be used by the tribal school as provided in s. 118.127:~~

23 **SECTION 30.** 938.396 (1) (c) 3. a. of the statutes is amended to read:

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1 938.396 (1) (c) 3. a. The use, possession, or distribution of alcohol or a controlled
2 substance or controlled substance analog by a juvenile enrolled in the public school
3 district, charter school, private school, or tribal school.

4 **SECTION 31.** 938.396 (1) (c) 3. c. of the statutes is amended to read:

5 938.396 (1) (c) 3. c. An act for which a juvenile enrolled in the school district,
6 charter school, private school, or tribal school was taken into custody under s. 938.19
7 based on a law enforcement officer's belief that the juvenile was committing or had
8 committed a violation of any state or federal criminal law.

9 **SECTION 32.** 938.396 (1) (c) 3. d. of the statutes is amended to read:

10 938.396 (1) (c) 3. d. An act for which a juvenile enrolled in the public school
11 district, charter school, private school, or tribal school was adjudged delinquent.

12 **SECTION 33.** 938.396 (1) (c) 4. of the statutes is amended to read:

13 938.396 (1) (c) 4. A law enforcement agency may enter into an interagency
14 agreement with a school board, the governing board of a charter school established
15 under s. 118.40 (2r) or (2x), the governing body of a private school, a tribal school, a
16 social welfare agency, or another law enforcement agency providing for the routine
17 disclosure of information under ~~subs. (1) pars.~~ (b) 2. and 2m. and (c) 3. to the school
18 board, private school governing board, governing body, tribal school, social welfare
19 agency, or other law enforcement agency.

20 **SECTION 34.** 938.396 (1) (d) of the statutes is amended to read:

21 938.396 (1) (d) *Law enforcement access to school records.* On petition of a law
22 enforcement agency to review pupil records, as defined in s. 118.125 (1) (d), other
23 than pupil records that may be disclosed without a court order under s. 118.125 (2)
24 or (2m), for the purpose of pursuing an investigation of any alleged delinquent or
25 criminal activity or on petition of a fire investigator under s. 165.55 (15) to review

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1 those pupil records for the purpose of pursuing an investigation under s. 165.55 (15),
2 the court may order the school board of the school district, the governing board of the
3 charter school established under s. 118.40 (2r) or (2x), or the governing body of the
4 private school, in which a juvenile is enrolled to disclose to the law enforcement
5 agency or fire investigator the pupil records of that juvenile as necessary for the law
6 enforcement agency or fire investigator to pursue the investigation. The law
7 enforcement agency or fire investigator may use the pupil records only for the
8 purpose of the investigation and may make the pupil records available only to
9 employees of the law enforcement agency or fire investigator who are working on the
10 investigation.

11

(END)