



State of Wisconsin  
1999 - 2000 LEGISLATURE

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**SENATE AMENDMENT 19,  
TO SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133**

June 30, 1999 – Offered by Senators DARLING, PANZER, WELCH, A. LASEE, FARROW,  
ROESSLER, DRZEWIECKI, RUDE and SCHULTZ.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 119, line 21: after that line insert:

3 “533m. Page 503, line 3: after that line insert:

4 “**SECTION 887d.** 36.11 (36m) of the statutes is created to read:

5 36.11 (**36m**) SCHOOL SAFETY RESEARCH. The board shall direct the schools of  
6 education and other appropriate research-oriented departments within the system,  
7 to work with the technical college system board under s. 38.04 (27), school districts,  
8 private schools and the department of public instruction to present to school districts  
9 and private schools the results of research on models for and approaches to  
10 improving school safety and reducing discipline problems in schools and at school  
11 activities.”.”.

1           **2.** Page 123, line 12: after that line insert:

2           “543m. Page 509, line 6: after that line insert:

3           “**SECTION 896m.** 38.04 (27) of the statutes is created to read:

4           38.04 (**27**) SCHOOL SAFETY. The board shall work with schools of education and  
5 other departments of the University of Wisconsin System under s. 36.11 (36m),  
6 school districts, private schools and the department of public instruction to present  
7 to school districts and private schools the results of research on models for and  
8 approaches to improving school safety and reducing discipline problems in schools  
9 and at school activities.”.”.

10           **3.** Page 251, line 10: after that line insert:

11           “868m. Page 1094, line 22: after that line insert:

12           “**SECTION 2042h.** 115.28 (43) of the statutes is created to read:

13           115.28 (**43**) SCHOOL SAFETY FUNDING. With the department of justice, seek and  
14 apply for federal funds relating to school safety and reducing violence and disruption  
15 in schools, including funds for alternative schools or programs. Each department  
16 shall make a report by January 1, 2001, and January 1, 2003, of its progress in  
17 applying for and obtaining funds under this subsection. The report shall be provided  
18 to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons  
19 of the joint committee on finance and to the governor.”.”.

20           **4.** Page 255, line 3: after that line insert:

21           “874m. Page 1096, line 8: after that line insert:

22           “**SECTION 2048p.** 115.38 (1) (b) of the statutes is renumbered 115.38 (1) (b) 1.  
23 and amended to read:

1           115.38 (1) (b) 1. Other indicators of school and school district performance,  
2 including dropout, attendance, retention in grade and graduation rates; numbers of  
3 suspensions and expulsions; percentage of habitual truants, as defined in s. 118.16  
4 (1) (a); percentage of pupils participating in extracurricular and community  
5 activities and advanced placement courses; percentage of graduates enrolled in  
6 postsecondary educational programs; and percentage of graduates entering the  
7 workforce.

8           **SECTION 2048t.** 115.38 (1) (b) 2. of the statutes is created to read:

9           115.38 (1) (b) 2. The numbers of suspensions and expulsions; the reasons for  
10 which pupils are suspended or expelled, reported according to categories specified by  
11 the state superintendent; the length of time for which pupils are expelled, reported  
12 according to categories specified by the state superintendent; whether pupils return  
13 to school after their expulsion; the educational programs and services, if any,  
14 provided to pupils during their expulsions, reported according to categories specified  
15 by the state superintendent; the schools attended by pupils who are suspended or  
16 expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled  
17 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).”.”.

18           **5.** Page 267, line 7: after that line insert:

19           “886m. Page 1103, line 16: after that line insert:

20           **“SECTION 2068m.** 118.16 (1m) of the statutes is created to read:

21           118.16 (1m) The period during which a pupil is absent from school due to a  
22 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an  
23 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause  
24 for the purposes of sub. (1) (c).

1           **SECTION 2068r.** 118.175 of the statutes is created to read:

2           **118.175 Pupils without parents or guardians; report required. (1)** This  
3 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)  
4 or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m)  
5 (a).

6           **(2)** If a pupil is a child who is without a parent or guardian, any school teacher,  
7 school administrator, school counselor or school social worker who knows that the  
8 child is without a parent or guardian shall report that fact as soon as possible to the  
9 county department under s. 46.22 or 46.23 or, in a county having a population of  
10 500,000 or more, to the department of health and family services.”.”.

11           **6.** Page 271, line 7: delete the material beginning with that line and ending  
12 with page 272, line 12, and substitute:

13           “899m. Page 1117, line 12: after that line insert:

14           “**SECTION 2108m.** 119.04 (1) of the statutes is amended to read:

15           119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
16 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
17 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
18 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
19 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to ~~118.43~~  
20 118.435, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),  
21 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) ~~and~~, (35) and (37) and 120.14 are  
22 applicable to a 1st class city school district and board.”.”.

23           **7.** Page 273, line 4: delete lines 4 to 7 and substitute:

24           “907m. Page 1121, line 18: after that line insert:

1           **“SECTION 2124n.** 120.12 (26) of the statutes is created to read:

2           120.12 **(26)** SCHOOL SAFETY PLANS. Have in effect a school safety plan for each  
3 school in the school district.

4           **SECTION 2124t.** 120.13 (1) (b) of the statutes is amended to read:

5           120.13 **(1)** (b) The school district administrator or any principal or teacher  
6 designated by the school district administrator also may make rules, with the  
7 consent of the school board, and may suspend a pupil for not more than 5 school days  
8 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25  
9 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with  
10 such rules or school board rules, or for knowingly conveying any threat or false  
11 information concerning an attempt or alleged attempt being made or to be made to  
12 destroy any school property by means of explosives, for conduct by the pupil while  
13 at school or while under the supervision of a school authority which endangers the  
14 property, health or safety of others, or for conduct while not at school or while not  
15 under the supervision of a school authority which endangers the property, health or  
16 safety of others at school or under the supervision of a school authority or endangers  
17 the property, health or safety of any employe or school board member of the school  
18 district in which the pupil is enrolled. In this paragraph, conduct that endangers a  
19 person or property includes making a threat to the health or safety of a person or  
20 making a threat to damage property. Prior to any suspension, the pupil shall be  
21 advised of the reason for the proposed suspension. The pupil may be suspended if  
22 it is determined that the pupil is guilty of noncompliance with such rule, or of the  
23 conduct charged, and that the pupil's suspension is reasonably justified. The parent  
24 or guardian of a suspended minor pupil shall be given prompt notice of the  
25 suspension and the reason for the suspension. The suspended pupil or the pupil's

1 parent or guardian may, within 5 school days following the commencement of the  
2 suspension, have a conference with the school district administrator or his or her  
3 designee who shall be someone other than a principal, administrator or teacher in  
4 the suspended pupil's school. If the school district administrator or his or her  
5 designee finds that the pupil was suspended unfairly or unjustly, or that the  
6 suspension was inappropriate, given the nature of the alleged offense, or that the  
7 pupil suffered undue consequences or penalties as a result of the suspension,  
8 reference to the suspension on the pupil's school record shall be expunged. Such  
9 finding shall be made within 15 days of the conference. A pupil suspended under this  
10 paragraph shall not be denied the opportunity to take any quarterly, semester or  
11 grading period examinations or to complete course work missed during the  
12 suspension period, as provided in the attendance policy established under s. 118.16  
13 (4) (a).

14 **SECTION 2124u.** 120.13 (1) (c) 1. of the statutes is amended to read:

15 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it  
16 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a  
17 pupil knowingly conveyed or caused to be conveyed any threat or false information  
18 concerning an attempt or alleged attempt being made or to be made to destroy any  
19 school property by means of explosives, or finds that the pupil engaged in conduct  
20 while at school or while under the supervision of a school authority which  
21 endangered the property, health or safety of others, or finds that a pupil while not  
22 at school or while not under the supervision of a school authority engaged in conduct  
23 which endangered the property, health or safety of others at school or under the  
24 supervision of a school authority or endangered the property, health or safety of any  
25 employe or school board member of the school district in which the pupil is enrolled,

1 and is satisfied that the interest of the school demands the pupil's expulsion. In this  
2 subdivision, conduct that endangers a person or property includes making a threat  
3 to the health or safety of a person or making a threat to damage property.”.”.

4 **8.** Page 306, line 22: after that line insert:

5 “963m. Page 1174, line 2: after that line insert:

6 “**SECTION 2287d.** 165.72 (title) of the statutes is amended to read:

7 **165.72 (title) Controlled Dangerous weapons or criminal activity in**  
8 **schools hotline; controlled substances hotline and rewards for controlled**  
9 **substances tips.**

10 **SECTION 2287e.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

11 **SECTION 2287f.** 165.72 (1) (ad) of the statutes is created to read:

12 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

13 **SECTION 2287g.** 165.72 (2) (intro.) of the statutes is amended to read:

14 165.72 (2) HOTLINE. (intro.) The department of justice shall maintain a single  
15 toll-free telephone number during normal retail business hours, as determined by  
16 departmental rule, for ~~both~~ all of the following:

17 **SECTION 2287h.** 165.72 (2) (c) of the statutes is created to read:

18 165.72 (2) (c) For persons to provide information anonymously regarding  
19 dangerous weapons or criminal activity in public or private schools.

20 **SECTION 2287i.** 165.72 (2g) of the statutes is created to read:

21 165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS  
22 IN SCHOOLS. If a call is made outside of normal retail business hours to the telephone  
23 number maintained under sub. (2), the department shall provide for the call to be  
24 received by a telephone answering system or service. The telephone answering

1 system or service shall provide a recorded message that requests the person calling  
2 to call the telephone number “911” or a local law enforcement agency if the person  
3 is calling to provide information regarding dangerous weapons or criminal activity  
4 in a school.

5 **SECTION 2287j.** 165.72 (2m) of the statutes is created to read:

6 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN  
7 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding  
8 dangerous weapons or criminal activity in a school, or immediately at the beginning  
9 of the next retail business day if the information is not received during normal retail  
10 business hours, the department shall provide the information to all of the following:

11 (a) The administration of the school.

12 (b) The appropriate law enforcement agency for the municipality in which the  
13 school is located.

14 **SECTION 2287k.** 165.72 (7) of the statutes is amended to read:

15 165.72 (7) PUBLICITY. The department shall cooperate with the department of  
16 public instruction in publicizing, in public and private schools, the use of the toll-free  
17 telephone number under sub. (2).”.”.

18 **9.** Page 466, line 4: after that line insert:

19 “1097m. Page 1431, line 11: after that line insert:

20 **“SECTION 3111pm.** 895.035 (4) of the statutes is amended to read:

21 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.  
22 943.51, the maximum recovery under this section from any parent or parents may  
23 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any  
24 one act of a juvenile in addition to taxable costs and disbursements and reasonable

1 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the  
2 same parent or parents commit the same act the total recovery under this section  
3 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs  
4 and disbursements. The maximum recovery from any parent or parents for retail  
5 theft by their minor child is established under s. 943.51.

6 **SECTION 3111pn.** 895.035 (4a) of the statutes is created to read:

7 895.035 (4a) (a) The maximum recovery under this section by a school board  
8 or a governing body of a private school from any parent or parents with custody of  
9 a minor child may not exceed \$20,000 for damages resulting from any one act of the  
10 minor child in addition to taxable costs and disbursements and reasonable attorney  
11 fees, as determined by the court, for damages caused to the school board or the  
12 governing body of a private school by any of the following actions of the minor child:

13 1. An act or threat that endangers the property, health or safety of persons at  
14 the school or under the supervision of a school authority or that damages the  
15 property of a school board or the governing body of a private school and that results  
16 in a substantial disruption of a school day or a school activity.

17 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or  
18 947.015.

19 (b) In addition to other recoverable damages, damages under par. (a) may  
20 include the cost to the school board or the governing body of a private school in loss  
21 of instructional time directly resulting from the action of the minor child under par.  
22 (a).

23 (c) If 2 or more minor children in the custody of the same parent or parents are  
24 involved in the same action under par. (a), the total recovery may not exceed \$20,000,

1 in addition to taxable costs, disbursements and reasonable attorney fees, as  
2 determined by the court.

3 (d) If an insurance policy does not explicitly provide coverage for actions under  
4 par. (a), the issuer of that policy is not liable for the damages resulting from those  
5 actions.”.”.

6 **10.** Page 479, line 15: after that line insert:

7 “1112m. Page 1439, line 7: after that line insert:

8 “**SECTION 3196s.** 947.017 of the statutes is created to read:

9 **947.017 Threat to cause death, bodily harm or property damage. (1)**

10 In this section, “governmental unit” means the United States, this state or one of its  
11 political subdivisions, an instrumentality or corporation of any of the foregoing or a  
12 combination or subunit of any of the foregoing.

13 (2) A person is guilty of a Class E felony if the person threatens to use a  
14 dangerous weapon or explosives to cause death, bodily harm or property damage in  
15 or on the premises of a structure owned, occupied or controlled by a governmental  
16 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as  
17 defined in s. 108.02 (18).”.”.

18 **11.** Page 538, line 6: after that line insert:

19 “1299m. Page 1595, line 5: after that line insert:

20 “(4g) SCHOOL PERFORMANCE REPORTS. The renumbering and amendment of  
21 section 115.38 (1) (b) of the statutes and the creation of section 115.38 (1) (b) 2. of the  
22 statutes first apply to reports required, under section 115.38 (2) of the statutes, to be  
23 distributed by January 1, 2002.”.”.

24 **12.** Page 547, line 3: after that line insert:

