

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/27/1999**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Collins**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Pre Topic:

LFB:.....Collins -

Topic:

School safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 09/27/1999	jgeller 09/27/1999		_____			
/1			hhagen 09/27/1999	_____	lrb_docadmin 09/27/1999		

FE Sent For:

<END>

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1?	mlief	11/9/27 jlg	11/9/27	11/9/27			

FE Sent For:

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TODAY

1999 - 2000 LEGISLATURE

LRBb14048

1822/11

WFO -

ML/MD/JO/RN/GM:cmh&jlg:ksh

Use LFB heading - Analyst is Collins stays

ARC:..... Dake - School discipline and safety

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

~~CAUCUS~~ AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 503, line 3: after that line insert:

3 "SECTION 887d. 36.11 (36m) of the statutes is created to read:

4 36.11 (36m) SCHOOL SAFETY RESEARCH. The board shall direct the schools of
5 education and other appropriate research-oriented departments within the system,
6 to work with the technical college system board under s. 38.04 (27), school districts,
7 private schools and the department of public instruction to present to school districts
8 and private schools the results of research on models for and approaches to
9 improving school safety and reducing discipline problems in schools and at school
10 activities."

1 **2.** Page 509, line 6: after that line insert:

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

3 38.04 (27) SCHOOL SAFETY. The board shall work with schools of education and
4 other departments of the University of Wisconsin System under s. 36.11 (36m),
5 school districts, private schools and the department of public instruction to present
6 to school districts and private schools the results of research on models for and
7 approaches to improving school safety and reducing discipline problems in schools
8 and at school activities.”.

9 **3.** Page 1094, line 22: after that line insert:

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

11 115.28 (43) SCHOOL SAFETY FUNDING. With the department of justice, seek and
12 apply for federal funds relating to school safety and reducing violence and disruption
13 in schools, including funds for alternative schools or programs. Each department
14 shall make a report by January 1, 2001, and January 1, 2003, of its progress in
15 applying for and obtaining funds under this subsection. The report shall be provided
16 to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons
17 of the joint committee on finance and to the governor.”.

18 **4.** Page 1096, line 8: after that line insert:

19 “**SECTION 2048m.** 115.38 (1) (b) of the statutes is renumbered 115.38 (1) (b) 1.
20 and amended to read:

21 115.38 (1) (b) 1. Other indicators of school and school district performance,
22 including dropout, attendance, retention in grade and graduation rates; ~~numbers of~~
23 ~~suspensions and expulsions~~; percentage of habitual truants, as defined in s. 118.16
24 (1) (a); percentage of pupils participating in extracurricular and community

1 activities and advanced placement courses; percentage of graduates enrolled in
2 postsecondary educational programs; and percentage of graduates entering the
3 workforce.

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

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

14 **5.** Page 1103, line 16: after that line insert:

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

16 118.16 (1m) The period during which a pupil is absent from school due to a
17 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an
18 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause
19 for the purposes of sub. (1) (c).

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

21 **118.175 Pupils without parents or guardians; report required.** (1) This
22 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)
23 or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m)
24 (a).

1 (2) If a pupil is a child who is without a parent or guardian, any school teacher,
2 school administrator, school counselor or school social worker who knows that the
3 child is without a parent or guardian shall report that fact as soon as possible to the
4 county department under s. 46.22 or 46.23 or, in a county having a population of
5 500,000 or more, to the department of health and family services.”.

6 **6.** Page 1117, line 12: after that line insert:

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

8 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
9 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
10 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,
11 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,
12 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43,
13 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1), (2) (b) to
14 (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class
15 city school district and board.”.

16 **7.** Page 1121, line 18: after that line insert:

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

18 120.12 (26) **SCHOOL SAFETY PLANS.** Have in effect a school safety plan for each
19 school in the school district.

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

21 120.13 (1) (b) The school district administrator or any principal or teacher
22 designated by the school district administrator also may make rules, with the
23 consent of the school board, and may suspend a pupil for not more than 5 school days
24 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25

1 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
2 such rules or school board rules, or for knowingly conveying any threat or false
3 information concerning an attempt or alleged attempt being made or to be made to
4 destroy any school property by means of explosives, for conduct by the pupil while
5 at school or while under the supervision of a school authority which endangers the
6 property, health or safety of others, or for conduct while not at school or while not
7 under the supervision of a school authority which endangers the property, health or
8 safety of others at school or under the supervision of a school authority or endangers
9 the property, health or safety of any employe or school board member of the school
10 district in which the pupil is enrolled. In this paragraph, conduct that endangers a
11 person or property includes making a threat to the health or safety of a person or
12 making a threat to damage property. Prior to any suspension, the pupil shall be
13 advised of the reason for the proposed suspension. The pupil may be suspended if
14 it is determined that the pupil is guilty of noncompliance with such rule, or of the
15 conduct charged, and that the pupil's suspension is reasonably justified. The parent
16 or guardian of a suspended minor pupil shall be given prompt notice of the
17 suspension and the reason for the suspension. The suspended pupil or the pupil's
18 parent or guardian may, within 5 school days following the commencement of the
19 suspension, have a conference with the school district administrator or his or her
20 designee who shall be someone other than a principal, administrator or teacher in
21 the suspended pupil's school. If the school district administrator or his or her
22 designee finds that the pupil was suspended unfairly or unjustly, or that the
23 suspension was inappropriate, given the nature of the alleged offense, or that the
24 pupil suffered undue consequences or penalties as a result of the suspension,
25 reference to the suspension on the pupil's school record shall be expunged. Such

1 finding shall be made within 15 days of the conference. A pupil suspended under this
2 paragraph shall not be denied the opportunity to take any quarterly, semester or
3 grading period examinations or to complete course work missed during the
4 suspension period, as provided in the attendance policy established under s. 118.16
5 (4) (a).

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

7 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
8 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
9 pupil knowingly conveyed or caused to be conveyed any threat or false information
10 concerning an attempt or alleged attempt being made or to be made to destroy any
11 school property by means of explosives, or finds that the pupil engaged in conduct
12 while at school or while under the supervision of a school authority which
13 endangered the property, health or safety of others, or finds that a pupil while not
14 at school or while not under the supervision of a school authority engaged in conduct
15 which endangered the property, health or safety of others at school or under the
16 supervision of a school authority or endangered the property, health or safety of any
17 employe or school board member of the school district in which the pupil is enrolled,
18 and is satisfied that the interest of the school demands the pupil's expulsion. In this
19 subdivision, conduct that endangers a person or property includes making a threat
20 to the health or safety of a person or making a threat to damage property."

21 ~~8. Page 1174, line 2: after that line insert:~~

22 ~~"SECTION 2287d. 165.72 (title) of the statutes is amended to read:~~

1 **165.72 (title) ~~Controlled Dangerous weapons or criminal activity in~~**
2 **~~schools hotline; controlled substances hotline and rewards for controlled~~**
3 **~~substances tips.~~**

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

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

6 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

8 165.72 (2) ~~HOTLINE~~ (intro.) The department of justice shall maintain a single
9 toll-free telephone number during normal retail business hours, as determined by
10 departmental rule, for both all of the following:

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

12 165.72 (2) (c) For persons to provide information anonymously regarding
13 dangerous weapons or criminal activity in public or private schools.

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

15 165.72 (2g) ~~AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS~~
16 ~~IN SCHOOLS~~. If a call is made outside of normal retail business hours to the telephone
17 number maintained under sub. (2), the department shall provide for the call to be
18 received by a telephone answering system or service. The telephone answering
19 system or service shall provide a recorded message that requests the person calling
20 to call the telephone number "911" or a local law enforcement agency if the person
21 is calling to provide information regarding dangerous weapons or criminal activity
22 in a school.

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

24 165.72 (2m) ~~TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN~~
25 ~~SCHOOLS~~. Immediately upon receiving any information under sub. (2) (c) regarding

1 dangerous weapons or criminal activity in a school, or immediately at the beginning
2 of the next retail business day if the information is not received during normal retail
3 business hours, the department shall provide the information to all of the following:

4 (a) The administration of the school.

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

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

8 165.72 (7) PUBLICITY. The department shall cooperate with the department of
9 public instruction in publicizing, in public and private schools, the use of the toll-free
10 telephone number under sub. (2).”

11 **9.** Page 1431, line 11: after that line insert:

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

13 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
14 943.51, the maximum recovery under this section from any parent or parents may
15 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any
16 one act of a juvenile in addition to taxable costs and disbursements and reasonable
17 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the
18 same parent or parents commit the same act the total recovery under this section
19 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
20 and disbursements. The maximum recovery from any parent or parents for retail
21 theft by their minor child is established under s. 943.51.

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

23 895.035 (4a) (a) The maximum recovery under this section by a school board
24 or a governing body of a private school from any parent or parents with custody of

1 a minor child may not exceed \$20,000 for damages resulting from any one act of the
2 minor child in addition to taxable costs and disbursements and reasonable attorney
3 fees, as determined by the court, for damages caused to the school board or the
4 governing body of a private school by any of the following actions of the minor child:

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

9 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
10 947.015.

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

14 (a).

15 (c) If 2 or more minor children in the custody of the same parent or parents are
16 involved in the same action under par. (a), the total recovery may not exceed \$20,000,
17 in addition to taxable costs, disbursements and reasonable attorney fees, as
18 determined by the court.

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

22 **10.** Page 1439, line 7: after that line insert:

23 “SECTION 3193s. 947.017 of the statutes is created to read:



LFB:.....Collins - School safety

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

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

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7 private schools and the department of public instruction to present to school districts
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9 to school after their expulsion; the educational programs and services, if any,
10 provided to pupils during their expulsions, reported according to categories specified
11 by the state superintendent; the schools attended by pupils who are suspended or
12 expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
13 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).”

14 **5.** Page 1103, line 16: after that line insert:

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19 for the purposes of sub. (1) (c).

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23 or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m)
24 (a).

1 (2) If a pupil is a child who is without a parent or guardian, any school teacher,
2 school administrator, school counselor or school social worker who knows that the
3 child is without a parent or guardian shall report that fact as soon as possible to the
4 county department under s. 46.22 or 46.23 or, in a county having a population of
5 500,000 or more, to the department of health and family services.”.

6 **6.** Page 1117, line 12: after that line insert:

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11 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,
12 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43,
13 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1), (2) (b) to
14 (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class
15 city school district and board.”.

16 **7.** Page 1121, line 18: after that line insert:

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18 120.12 (26) SCHOOL SAFETY PLANS. Have in effect a school safety plan for each
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21 120.13 (1) (b) The school district administrator or any principal or teacher
22 designated by the school district administrator also may make rules, with the
23 consent of the school board, and may suspend a pupil for not more than 5 school days
24 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25

1 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
2 such rules or school board rules, or for knowingly conveying any threat or false
3 information concerning an attempt or alleged attempt being made or to be made to
4 destroy any school property by means of explosives, for conduct by the pupil while
5 at school or while under the supervision of a school authority which endangers the
6 property, health or safety of others, or for conduct while not at school or while not
7 under the supervision of a school authority which endangers the property, health or
8 safety of others at school or under the supervision of a school authority or endangers
9 the property, health or safety of any employe or school board member of the school
10 district in which the pupil is enrolled. In this paragraph, conduct that endangers a
11 person or property includes making a threat to the health or safety of a person or
12 making a threat to damage property. Prior to any suspension, the pupil shall be
13 advised of the reason for the proposed suspension. The pupil may be suspended if
14 it is determined that the pupil is guilty of noncompliance with such rule, or of the
15 conduct charged, and that the pupil's suspension is reasonably justified. The parent
16 or guardian of a suspended minor pupil shall be given prompt notice of the
17 suspension and the reason for the suspension. The suspended pupil or the pupil's
18 parent or guardian may, within 5 school days following the commencement of the
19 suspension, have a conference with the school district administrator or his or her
20 designee who shall be someone other than a principal, administrator or teacher in
21 the suspended pupil's school. If the school district administrator or his or her
22 designee finds that the pupil was suspended unfairly or unjustly, or that the
23 suspension was inappropriate, given the nature of the alleged offense, or that the
24 pupil suffered undue consequences or penalties as a result of the suspension,
25 reference to the suspension on the pupil's school record shall be expunged. Such

1 finding shall be made within 15 days of the conference. A pupil suspended under this
2 paragraph shall not be denied the opportunity to take any quarterly, semester or
3 grading period examinations or to complete course work missed during the
4 suspension period, as provided in the attendance policy established under s. 118.16
5 (4) (a).

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

7 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
8 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
9 pupil knowingly conveyed or caused to be conveyed any threat or false information
10 concerning an attempt or alleged attempt being made or to be made to destroy any
11 school property by means of explosives, or finds that the pupil engaged in conduct
12 while at school or while under the supervision of a school authority which
13 endangered the property, health or safety of others, or finds that a pupil while not
14 at school or while not under the supervision of a school authority engaged in conduct
15 which endangered the property, health or safety of others at school or under the
16 supervision of a school authority or endangered the property, health or safety of any
17 employe or school board member of the school district in which the pupil is enrolled,
18 and is satisfied that the interest of the school demands the pupil's expulsion. In this
19 subdivision, conduct that endangers a person or property includes making a threat
20 to the health or safety of a person or making a threat to damage property."

21 **8.** Page 1431, line 11: after that line insert:

22 "SECTION 3111m. 895.035 (4) of the statutes is amended to read:

23 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
24 943.51, the maximum recovery under this section from any parent or parents may

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

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

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

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

19 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
20 947.015.

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

1 (c) If 2 or more minor children in the custody of the same parent or parents are
2 involved in the same action under par. (a), the total recovery may not exceed \$20,000,
3 in addition to taxable costs, disbursements and reasonable attorney fees, as
4 determined by the court.

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

8 **9.** Page 1595, line 5: after that line insert:

9 “(4g) SCHOOL PERFORMANCE REPORTS. The renumbering and amendment of
10 section 115.38 (1) (b) of the statutes and the creation of section 115.38 (1) (b) 2. of the
11 statutes first apply to reports required, under section 115.38 (2) of the statutes, to be
12 distributed by January 1, 2002.”.

13 **10.** Page 1613, line 6: after that line insert:

14 “(1g) SCHOOL SAFETY PLANS. The creation of section 120.12 (26) of the statutes
15 takes effect on the first day of the 6th month beginning after publication.”.

16 (END)