



## 1995 ASSEMBLY BILL 609

October 10, 1995 - Introduced by Representatives DOBYNS, KRUSICK, GOETSCH, GROBSCHMIDT, AINSWORTH, ALBERS, BRANDEMUEHL, COLEMAN, FREESE, GARD, GREEN, GUNDERSON, HAHN, HANDRICK, KLUSMAN, LADWIG, LA FAVE, F. LASEE, MUSSER, OLSEN, OTT, OTTE, OWENS, SCHNEIDERS, SERATTI, SILBAUGH and URBAN, cosponsored by Senators BUETTNER, C. POTTER, FITZGERALD, BRESKE, DARLING, WEEDEN and WELCH. Referred to Committee on Education.

1     **AN ACT to renumber and amend** 48.396 (1m); **to amend** 48.396 (1), 118.125 (1)  
2           (a), 118.125 (2) (d), 118.125 (2) (e), 118.125 (3), 118.127 (1) and 118.127 (2); **to**  
3           **repeal and recreate** 48.396 (1); and **to create** 48.396 (1m) (a) 2. of the  
4           statutes; **relating to:** disclosure of certain law enforcement agency records  
5           relating to a child to the child's school district administrator.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, peace officers' records of children are not open to inspection and their contents may not be disclosed, except by order of the court assigned to exercise jurisdiction under the children's code (juvenile court). Current law permits a law enforcement agency to release to a school district administrator any information in its records relating to the use, possession or distribution of alcohol or a controlled substance by a pupil enrolled in the public school district. Current law permits a school district to use that information only for the purpose of providing alcohol and other drug abuse programs for pupils enrolled in the school district and to make that information available only to designated personnel involved in providing those programs. This bill permits a law enforcement agency to release to a school district administrator any information in its records relating to the possession by a pupil enrolled in the school district of a dangerous weapon, that is, a firearm, whether loaded or unloaded, or any other device which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, in or on the grounds of a school or within 1,000 feet from the grounds of a school. The bill permits a school district to make that information available to teachers and other school district officials who have a legitimate educational or safety interest in that information.

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

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

1           **SECTION 1.** 48.396 (1) of the statutes is amended to read:

2           48.396 (1) Peace officers' records of children shall be kept separate from records  
3 of persons 18 or older. Peace officers' records of children shall not be open to  
4 inspection or their contents disclosed except under sub. (1m) (a) or (5) or s. 48.293 or  
5 by order of the court. This subsection does not apply to the representatives of  
6 newspapers or other reporters of news who wish to obtain information for the  
7 purpose of reporting news without revealing the identity of the child involved, to the  
8 confidential exchange of information between the police and officials of the school  
9 attended by the child or other law enforcement or social welfare agencies or to  
10 children 16 or older who are transferred to the criminal courts.

11           **SECTION 2.** 48.396 (1) of the statutes, as affected by 1995 Wisconsin Acts 27 and  
12 .... (this act), is repealed and recreated to read:

13           48.396 (1) Peace officers' records of children shall be kept separate from records  
14 of adults. Peace officers' records of children shall not be open to inspection or their  
15 contents disclosed except under sub. (1m) (a) or (5) or s. 48.293 or by order of the  
16 court. This subsection does not apply to the representatives of newspapers or other  
17 reporters of news who wish to obtain information for the purpose of reporting news  
18 without revealing the identity of the child involved, to the confidential exchange of  
19 information between the police and officials of the school attended by the child or  
20 other law enforcement or social welfare agencies or to children 16 or older who are  
21 transferred to the criminal courts.

1           **SECTION 3.** 48.396 (1m) of the statutes is renumbered 48.396 (1m) (a) (intro.)  
2 and amended to read:

3           48.396 **(1m)** (a) (intro.) If requested by the school district administrator of a  
4 public school district, a law enforcement agency may provide to the school district  
5 administrator any information in its records relating to the any of the following:

6           1. The use, possession or distribution of alcohol or a controlled substance by a  
7 pupil enrolled in the public school district. The information

8           (b) Any information provided under par. (a) 1. may be used by the school district  
9 only as provided under s. 118.127 (2). In this subsection, “controlled substance” has  
10 the meaning given in s. 161.01 (4).

11           **SECTION 4.** 48.396 (1m) (a) 2. of the statutes is created to read:

12           48.396 **(1m)** (a) 2. The possession by a pupil enrolled in the school district of  
13 a dangerous weapon, as defined in s. 939.22 (10), in or on the grounds of a school or  
14 within 1,000 feet from the grounds of a school.

15           **SECTION 5.** 118.125 (1) (a) of the statutes is amended to read:

16           118.125 **(1)** (a) “Behavioral records” means those pupil records which include  
17 psychological tests, personality evaluations, records of conversations, any written  
18 statement relating specifically to an individual pupil’s behavior, tests relating  
19 specifically to achievement or measurement of ability, the pupil’s physical health  
20 records other than his or her immunization records or any lead screening records  
21 required under s. 254.162, peace officers’ records obtained under s. 48.396 (1m) (a)  
22 and any other pupil records that are not progress records.

23           **SECTION 6.** 118.125 (2) (d) of the statutes is amended to read:

24           118.125 **(2)** (d) Pupil records may be made available to persons employed by the  
25 school district which the pupil attends who are required by the department under s.

1 115.28 (7) to hold a license and other school district officials who have been  
2 determined by the school board to have legitimate educational or safety interests in  
3 the pupil records. Peace officers' records obtained under s. 48.396 (1m) (a) 1. may be  
4 made available under this paragraph only for the purposes of s. 118.127 (2) and only  
5 to those designated personnel involved in alcohol and other drug abuse programs.

6 **SECTION 7.** 118.125 (2) (e) of the statutes is amended to read:

7 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or  
8 guardian of a minor pupil, the school shall make available to the person named in  
9 the permission the pupil's progress records or such portions of the pupil's behavioral  
10 records as determined by the person authorizing the release. Peace officers' records  
11 obtained under s. 48.396 (1m) (a) may not be made available under this paragraph  
12 unless specifically identified by the adult pupil or by the parent or guardian of a  
13 minor pupil in the written permission.

14 **SECTION 8.** 118.125 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
15 is amended to read:

16 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in  
17 writing specifying the content of pupil records and the time during which pupil  
18 records shall be maintained. No behavioral records may be maintained for more than  
19 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies  
20 in writing that his or her behavioral records may be maintained for a longer period.  
21 A pupil's progress records shall be maintained for at least 5 years after the pupil  
22 ceases to be enrolled in the school. A school board may maintain the records on  
23 microfilm, optical disk or in electronic format if authorized under s. 19.21 (4) (c), or  
24 in such other form as the school board deems appropriate. A school board shall  
25 maintain peace officers' records obtained under s. 48.396 (1m) (a) separately from a

1 pupil's other pupil records. Rules adopted under this subsection shall be published  
2 by the school board as a class 1 notice under ch. 985.

3 **SECTION 9.** 118.127 (1) of the statutes is amended to read:

4 118.127 (1) Upon receipt of information from peace officers' records obtained  
5 under s. 48.396 (1m) (a), the school district administrator shall notify any pupil  
6 named in the records, and the parent or guardian of any minor pupil named in the  
7 records, of the information.

8 **SECTION 10.** 118.127 (2) of the statutes is amended to read:

9 118.127 (2) A school district may use information from peace officers' records  
10 obtained under s. 48.396 (1m) (a) 1. only for the purpose of providing alcohol and  
11 other drug abuse programs for pupils enrolled in the school district.

12 **SECTION 11. Effective dates.** This act takes effect on the day after  
13 publication, except as follows:

14 (1) The repeal and recreation of section 48.396 (1) of the statutes takes effect  
15 on January 1, 1996, or on the day after publication, whichever is later.

16 (END)