



1995 ASSEMBLY BILL 718

December 6, 1995 - Introduced by Representatives FREESE, GREEN, AINSWORTH, DOBYNS, GOETSCH, HANDRICK, HUTCHISON, JENSEN, KELSO, LADWIG, F. LASEE, MUSSER, NASS, OTT, OWENS, POWERS, SCHNEIDERS and SILBAUGH, cosponsored by Senators SCHULTZ, PETAK and HUELSMAN. Referred to Committee on Education.

1 **AN ACT to create** 118.45, 119.25 (2) (a) 3., 120.13 (1) (bg), 120.13 (1) (c) 2g. and
2 120.13 (1) (e) 2. c. of the statutes; **relating to:** alcohol testing of public school
3 students.

Analysis by the Legislative Reference Bureau

This bill gives authorized public school officials and employes the right to require a public school pupil to provide breath samples to determine the presence of alcohol in his or her breath whenever the official or employe has reason to believe that the pupil has consumed alcohol on the school premises or detects the presence of alcohol on a pupil. The breath screening test is done using a device approved by the department of transportation for the purpose of determining the presence of alcohol in a person's breath.

The bill requires the school district administrator or a designated principal or teacher to suspend a pupil if the breath screen test shows the presence of alcohol in the pupil's breath and the student has not been suspended or expelled previously for the presence of alcohol in his or her breath. The bill requires the expulsion of a pupil if he or she refuses to provide a breath sample to determine the presence of alcohol in his or her breath or if the breath test shows the presence of alcohol in the pupil's breath and the pupil has been suspended or expelled previously for the presence of alcohol in his or her breath.

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

4 **SECTION 1.** 118.45 of the statutes is created to read:
5 **118.45 Tests for alcohol use.** A school board official or employe authorized
6 by a public school board may require a public school pupil, including a charter school

1 pupil, to provide one or more samples of his or her breath for the purpose of
2 determining the presence of alcohol in the pupil's breath whenever the official or
3 employe has reason to believe that the pupil has consumed alcohol on the school
4 premises, as defined in s. 125.09 (2) (a) 4., or whenever the official or employe detects
5 any presence of alcohol on a pupil while the pupil is on the school premises. The
6 authorized official or employe shall use a breath screening device approved by the
7 department of transportation for the purpose of determining the presence of alcohol
8 in a person's breath to determine if alcohol is present in the pupil's breath.

9 **SECTION 2.** 119.25 (2) (a) 3. of the statutes is created to read:

10 119.25 (2) (a) 3. Shall expel a pupil from school whenever the hearing officer
11 or panel finds that the pupil engaged in conduct that constitutes grounds for
12 expulsion under s. 120.13 (1) (c) 2g.

13 **SECTION 3.** 120.13 (1) (bg) of the statutes is created to read:

14 120.13 (1) (bg) The school district administrator or any principal or teacher
15 designated by the school district administrator shall suspend a pupil under par. (b)
16 if the school district administrator, principal or teacher determines the presence of
17 alcohol in the pupil's breath as the result of the administration of a test for alcohol
18 use under s. 118.45 and if the pupil has not been suspended previously under this
19 paragraph or expelled previously under par. (c) 2g. or (e) 2. c. or s. 119.25 (2) (a) 3.

20 **SECTION 4.** 120.13 (1) (c) 2g. of the statutes is created to read:

21 120.13 (1) (c) 2g. The school board shall expel a pupil from school whenever it
22 finds that the pupil refused to provide one or more samples of his or her breath for
23 the purpose of determining the presence of alcohol in the pupil's breath after being
24 requested to do so under s. 118.45 or whenever it finds that alcohol was present in
25 the pupil's breath as the result of the administration of a test for alcohol use under

1 s. 118.45 and that the pupil was suspended previously under par. (bg) or expelled
2 previously under this subdivision, par. (e) 2. c. or s. 119.25 (2) (a) 3.

3 **SECTION 5.** 120.13 (1) (e) 2. c. of the statutes is created to read:

4 120.13 (1) (e) 2. c. Shall expel a pupil whenever the hearing officer or panel
5 finds that the pupil engaged in conduct that constitutes grounds for expulsion under
6 par. (c) 2g.

7 (END)