

# State of Wisconsin



1997 Senate Bill 123

Date of enactment: April 13, 1998  
Date of publication\*: April 27, 1998

## 1997 WISCONSIN ACT 95

AN ACT to amend 938.396 (7) (a), 938.396 (7) (bm) and 938.396 (7) (c) of the statutes; relating to: notification of a juvenile's school if a juvenile delinquency proceeding is terminated without a finding that the juvenile has committed a delinquent act.

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

**SECTION 1.** 938.396 (7) (a) of the statutes is amended to read:

938.396 (7) (a) Notwithstanding sub. (2) (a), if a petition under s. 938.12 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that would be a felony if committed by an adult, the court clerk shall notify the school board of the school district in which the juvenile is enrolled or the school board's designee of the fact that the petition has been filed and the nature of the delinquent act alleged in the petition. Notwithstanding sub. (2) (a), if later the proceeding on the petition is closed, dismissed or otherwise terminated without a finding that the juvenile has committed a delinquent act, the court clerk shall notify the school board of the school district in which the juvenile is enrolled or the school board's designee that the proceeding has been terminated without a finding that the juvenile has committed a delinquent act.

(am) Notwithstanding sub. (2) (a) and subject to par. (b), if a juvenile is adjudged delinquent, within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the school board of the school district in which the juvenile is enrolled or the school board's designee of the fact that the juvenile has been adjudicated delinquent, the nature of the violation com-

mitted by the juvenile and the disposition imposed on the juvenile under s. 938.34 as a result of that violation. Notwithstanding sub. (2) (a), if school attendance is a condition of a dispositional order under s. 938.355 (2) (b) 7., within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the school board of the school district in which the juvenile is enrolled or the school board's designee of the fact that the juvenile's school attendance is a condition of a dispositional order.

**SECTION 2.** 938.396 (7) (bm) of the statutes is amended to read:

938.396 (7) (bm) Notwithstanding sub. (2) (a), in addition to the disclosure made under par. (a) (am) or (b), if a juvenile is adjudicated delinquent and as a result of the dispositional order is enrolled in a different school district from the school district in which the juvenile is enrolled at the time of the dispositional order, the court clerk, within 5 days after the date on which the dispositional order is entered, shall provide the school board of the juvenile's new school district or the school board's designee with the information specified in par. (a) (am) or (b), whichever is applicable, and, in addition, shall notify that school board or designee of whether the juvenile has been adjudicated delinquent previously by that court, the nature of any previous violations committed by the juvenile and the dispositions imposed on the juvenile under s. 938.34 as a result of those previous violations.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 3.** 938.396 (7) (c) of the statutes is amended to read:

938.396 (7) (c) No information from the juvenile's court records, other than information disclosed under par. (a), ~~(am)~~, (b) or (bm), may be disclosed to the school board of the school district in which the juvenile is enrolled or the school board's designee except by order of the court. Any information provided under this subsection to the school board of the school district in which the juvenile is enrolled or the school board's designee shall be disclosed by the school board or designee to employees of the school district who work directly with the juvenile or who have been determined by the school board or designee to have legitimate educational interests, including safety interests, in the information. A school district employee to whom information is disclosed under this paragraph shall not further disclose the information. A school board shall not use any information provided under this

subsection as the sole basis for expelling or suspending a juvenile. A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton or intentional misconduct in failing to disclose the information.

**SECTION 4. Initial applicability.**

(1) This act first applies to a proceeding on a petition under section 938.12 or 938.13 (12) of the statutes that is closed, dismissed or otherwise terminated on the effective date of this subsection.