

## 1999 SENATE BILL 239

September 28, 1999 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Education.

1     **AN ACT** *to renumber* 165.72 (1) (a); *to amend* 49.45 (39) (b), 115.38 (1) (b), 119.04  
2           (1), 120.13 (1) (b), 120.13 (1) (c) 1., 121.15 (3m) (a) 2., 165.72 (title), 165.72 (2)  
3           (intro.), 165.72 (7) and 895.035 (4); and *to create* 20.255 (2) (e), 36.11 (36), 38.04  
4           (27), 115.28 (42), 115.38 (1) (bm), 115.455, 118.16 (1m), 118.175, 120.12 (26),  
5           165.72 (1) (ad), 165.72 (2) (c), 165.72 (2g), 165.72 (2m), 895.035 (4a) and 947.017  
6           of the statutes; **relating to:** grants to school districts and cooperative  
7           educational service agencies to reduce violence and disruption in schools; safe  
8           school plans; establishing a hotline in the department of justice for the  
9           reporting of information regarding dangerous weapons and criminal activity in  
10          schools; required reporting by certain school personnel of pupils without a  
11          parent or guardian; increasing the amount of parental liability for certain acts  
12          of a minor child affecting a school; medical assistance reimbursement to school  
13          districts and cooperative educational service agencies; authorizing school  
14          districts to expel or suspend a pupil for making a threat to the health or safety

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1 of a person or making a threat to damage property; suspension and expulsion  
2 information in the school performance report; treatment of days of absence due  
3 to a suspension or expulsion to determine truancy and habitual truancy;  
4 obtaining federal funds relating to school safety; threats to cause death, bodily  
5 harm or property damage in certain places; making an appropriation; and  
6 providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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

PREFATORY NOTE: This bill was developed by the joint legislative council's special committee on school discipline and safety.

**Grants for Reducing Violence and Disruption in Schools**

The bill creates a grant program under which a school district or cooperative educational service agency (CESA) may apply for a three-year grant to implement a comprehensive range of research-based prevention and intervention strategies for reducing violence and disruption in schools. In the first year of a grant, a school district or CESA must match at least 25% of the grant amount from local, federal or private sources. The required match is at least 50% in the second year of a grant and at least 75% in the third year. The amount appropriated for the grants is not considered in determining the state's commitment to fund two-thirds partial school revenues.

The department of public instruction (DPI) shall determine the amount of each grant except that no school district or CESA may be awarded, in any fiscal year, more than 10% of the amount appropriated for the grants. DPI must ensure that grants are distributed among small, medium and large school districts, based on enrollment.

The bill appropriates \$5 million in general purpose revenue for the grants in each of the fiscal years 1999-00 and 2000-01.

The bill also requires the Board of Regents of the University of Wisconsin (UW) System to direct schools of education and other research-oriented departments in the system to work with the state technical college board, school districts, private schools and DPI to present to school districts and private schools the results of research on models for and approaches to improving school safety and reducing discipline problems in schools and at school activities. The bill creates a similar requirement applicable to the state technical college board.

**Safe School Plans**

This bill creates a requirement that each school district in the state implement a safe school plan for each school in the school district. The requirement takes effect on the first day of the sixth month beginning after publication of the act.

**SENATE BILL 239**Suspension or Expulsion for a Threat

Under current law, a school district:

1. May suspend a pupil for noncompliance with a school rule and may expel a pupil for repeated refusal to obey the rules.

2. May suspend or expel a pupil for conduct while at school or under the supervision of a school authority that endangers the property, health or safety of others, and must suspend and expel a pupil for possession of a firearm while at school or under the supervision of a school authority.

3. May suspend or expel a pupil for conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employe or school board member of the school district.

4. May suspend or expel a pupil for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives (that is, making a bomb threat to destroy school property).

For an expulsion, the school board must also be satisfied that the interest of the school demands the pupil's expulsion.

This bill specifies that for suspensions and expulsions, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property. (See items 2. and 3., above.)

Hotline

Under current law, the department of justice (DOJ) is required to maintain a toll-free telephone number during normal retail business hours for persons to provide information regarding suspected violations of laws concerning controlled substances (dangerous drugs).

This bill requires DOJ to maintain a single toll-free telephone number both for information regarding suspected controlled substances law violations and for persons to anonymously provide information regarding dangerous weapons or criminal activity in public or private schools.

If a call is made to the toll-free telephone number outside of normal retail business hours, DOJ shall provide for the call to be received by a telephone answering system or service. That system or service shall provide a recorded message that requests the person calling to call "911" or a local law enforcement agency if the person is calling to provide information regarding dangerous weapons or criminal activity in a school.

The bill also provides that, immediately upon receiving any information regarding dangerous weapons or criminal activity in a school, or immediately at the beginning of the next retail business day if the information is not received during normal retail business hours, DOJ must provide the information to the administration of the school and the appropriate law enforcement agency for the municipality in which the school is located.

Parental Liability

Current law sets forth certain limits on parental liability for damages resulting from acts of a minor child. In general, except for recovery for retail theft (which has separate provisions on amounts recoverable), the maximum recovery from any parent or parents may not exceed \$5,000 for damages resulting from any one act of a "juvenile" in addition to costs and reasonable attorney fees.

This bill creates a new provision establishing a higher maximum dollar amount for parental liability for certain violence-related acts of minor children. Under the bill, for damages caused to the property of a school district or private school by any of the following acts by a minor child, the maximum recovery by a school board or governing body of a private school from any parent or parents with custody of the child may not exceed \$10,000:

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1. An act or threat that endangers the health or safety of others at school or under the supervision of a school authority or that is intended to damage the property of a school district, private school or persons at school or under the supervision of a school authority and that results in a substantial disruption of a school day or a school activity.
2. A violation of any of the following:
  - a. Section 943.01, stats., relating to damage to property.
  - b. Section 943.02, stats., relating to arson of buildings and damage of property by explosives.
  - c. Section 943.03, stats., relating to arson of property other than a building.
  - d. Section 943.05, stats., relating to placing combustible or explosive materials in or near property with intent to set fire or blow up the property.
  - e. Section 947.015, stats., relating to bomb scares.

The bill specifies that in addition to other types of damages, a school board or governing body of a private school may recover the school district's or private school's cost in loss of instructional time directly resulting from the act of the minor child.

**Reporting a Pupil Without a Parent or Guardian**

This bill creates a new reporting requirement relating to a pupil without a parent or guardian. Under the bill, if a pupil is a child who is without a parent or guardian, any school teacher, school administrator, school counselor or school social worker who knows that the child is without a parent or guardian must report that fact as soon as possible to the appropriate county department of social services or, in Milwaukee County, to the department of health and family services (DHFS). This requirement does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11), stats., or who is cared for by a kinship care relative under s. 48.57 (3m), stats., or a long-term kinship care relative under s. 48.57 (3n), stats.

**Suspension and Expulsion Data in School Performance Report**

Under current law, the state superintendent of public instruction must develop a school and school district performance report for use by school districts. Each school board must distribute the report to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools, or give the report to each pupil to take home to his or her parent or guardian. The state superintendent must publish and distribute to the legislature a summary of the school districts' reports.

Current law specifies that the report must include indicators of academic achievement; other indicators of school and school district performance; staffing and financial information; data on pupils participating in the part-time open enrollment program; and the method of reading instruction and reading textbooks used in the school district. Among other items, the other indicators of school and school district performance must include numbers of suspensions and expulsions.

This bill specifies that, in addition to numbers of suspensions and expulsions, the school or school district performance report must include all of the following:

1. The reasons for which pupils are suspended or expelled, reported according to categories specified by the state superintendent.
2. The length of time for which pupils are expelled, reported according to categories specified by the state superintendent.
3. Whether pupils return to school after their expulsions.
4. The educational programs and services, if any, provided to pupils during their expulsions, reported according to categories specified by the state superintendent.
5. The schools attended by pupils who are suspended or expelled.
6. The grade, sex and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities.

**Habitual Truancy and Suspensions or Expulsions**

This bill explicitly states that the period during which a pupil is absent from school due to a suspension or expulsion is neither an absence without an acceptable excuse for

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the purposes of the definition of “habitual truant” nor an absence without legal cause for the purposes of the definition of “truancy”.

**Medical Assistance (MA) Reimbursement**

Under current law, if a school district or CESA provides “school medical services”, it may receive 60% of the federal share of MA reimbursement for allowable charges for those services and for allowable administrative costs. “School medical services” are health care services that are provided in a school to children who are eligible for MA that are appropriate to a school setting, as provided in the state MA plan.

This bill provides that a school board or CESA that provides school medical services may receive the entire federal share of the allowable charges and allowable administrative costs.

**Federal Funds**

The bill directs DOJ and DPI aggressively to seek and apply for federal funds relating to school safety and reducing violence and disruption in schools. Each department is required to make a report of its progress in applying for and obtaining such funds. The reports, which are to be made by January 1, 2001, and January 1, 2003, are to be submitted to the legislature, the cochairpersons of the joint committee on finance and the governor.

**Felony for Threatening to Cause Death, Bodily Harm or Property Damage at a Government Building, School or Institution of Higher Education**

Current law prohibits a person from intentionally conveying a threat or false information, knowing the threat or information to be false, concerning an attempt or an alleged attempt being made or to be made to destroy property with explosives. A person who violates this prohibition is guilty of a Class E felony and may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999.

This bill prohibits a person from threatening to use a dangerous weapon or explosives to cause death, bodily harm or property damage at a government building, a school or an institution of higher education. For purposes of the criminal code [chs. 939 to 951, stats.]: (1) “bodily harm” is defined to mean physical pain or injury, illness or any impairment of physical condition; and (2) “dangerous weapon” is defined to mean any firearm, whether loaded or unloaded, any device designed as a weapon and capable of producing death or great bodily harm, any electric weapon under s. 941.295 (4), stats., or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

A person who violates the prohibition created by the bill is guilty of a Class E felony (see penalties above).

- 1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:



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1 36.11 (36), school districts, private schools and the department of public instruction  
2 to present to school districts and private schools the results of research on models for  
3 and approaches to improving school safety and reducing discipline problems in  
4 schools and at school activities.

NOTE: Directs the state technical college board to work with others to present to public and private schools the results of research on models for and approaches to improving school safety and reducing discipline problems.

5 **SECTION 5.** 49.45 (39) (b) of the statutes is amended to read:

6 49.45 **(39)** (b) *Payment for school medical services.* If a school district or a  
7 cooperative educational service agency elects to provide school medical services and  
8 meets all requirements under par. (c), the department shall reimburse the school  
9 district or the cooperative educational service agency for ~~60%~~ of the federal share of  
10 allowable charges for the school medical services that it provides and for allowable  
11 administrative costs. The department shall promulgate rules establishing a  
12 methodology for making reimbursements under this paragraph. All other expenses  
13 for the school medical services shall be paid for by the school district or the  
14 cooperative educational service agency with funds received from state or local taxes.  
15 The school district or the cooperative educational service agency shall comply with  
16 all requirements of the federal department of health and human services for  
17 receiving federal financial participation.

NOTE: Increases the percentage of the federal share of MA reimbursement for allowable charges that a school board or board of control of a CESA may receive for providing school medical services to MA-eligible pupils and administrative costs from 60% to 100%.

18 **SECTION 6.** 115.28 (42) of the statutes is created to read:

19 115.28 **(42)** FEDERAL FUNDS FOR SCHOOL SAFETY. The department of justice,  
20 aggressively seek and apply for federal funds relating to school safety and reducing  
21 violence and disruption in schools, including funds for alternative schools or

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1 programs. Each department shall make a report by January 1, 2001, and January  
2 1, 2003, of its progress in applying for and obtaining funds under this section. The  
3 report shall be provided under s. 13.172 (2) to the legislature, to the cochairpersons  
4 of the joint committee on finance and to the governor.

NOTE: Requires DOJ and DPI aggressively to seek and apply for federal funds,  
relating to school safety and reducing violence and disruption in schools, and report to  
the legislature on their progress in applying for and obtaining such funds.

5 **SECTION 7.** 115.38 (1) (b) of the statutes is amended to read:

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

13 **SECTION 8.** 115.38 (1) (bm) of the statutes is created to read:

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

NOTE: Expands information related to pupil suspensions and expulsions that a  
school board must include in its school performance reports.



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1           **SECTION 9.** 115.455 of the statutes is created to read:

2           **115.455 Grants for reducing violence and disruption. (1)** A school board  
3 or board of control of a cooperative educational service agency may apply to the  
4 department for a grant under this section to implement a comprehensive prevention  
5 and intervention plan for reducing violence and disruption in schools. The  
6 application shall include all of the following:

7           (a) A plan to implement, in the school district or school districts, a  
8 comprehensive range of research-based prevention and intervention strategies to  
9 build positive relationships for youth with parents, schools, communities or other  
10 youth, or other research-based strategies, including any of the following:

11           1. Alternative educational programs and services for disruptive pupils or  
12 pupils who have been suspended or expelled.

13           2. Coordination with integrated services programs under s. 46.56.

14           3. Alternatives to suspension or expulsion.

15           4. Families and schools together programs as described in s. 115.361 (3) (a).

16           5. Before-school and after-school activities.

17           6. Conflict resolution.

18           7. Direct instruction programs or other research-based instruction programs  
19 whose skill development and cognition results equal those of direct instruction.

20           8. Mentoring programs for teachers in the management of classroom behavior.

21           9. Professional staff development classes on managing classrooms, identifying  
22 pupils who and situations that may become violent, preventing violence and  
23 identifying and communicating with those state and local agencies that can assist  
24 in providing services or responses to pupils and situations described in this  
25 subdivision.

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1 (b) A description of how the success of the plan in reducing violence and  
2 disruption in school will be evaluated.

3 (c) A description of how activities funded by and funding received under the  
4 grant will be coordinated with activities funded by and funding received under any  
5 federal grants received for similar activities.

6 (d) A description of the persons who were involved in developing the plan and  
7 the programs or services with which activities under the plan will be coordinated.

8 **(2)** The department may not award a grant under this section to a school board  
9 or cooperative educational service agency unless the following persons are involved  
10 in developing the plan under sub. (1) and unless activities under the plan are  
11 coordinated with the programs and services of the following persons, as appropriate:

12 (a) Parents.

13 (b) The county departments responsible for human services, social services,  
14 mental health, alcohol and drug abuse services, developmental disabilities and child  
15 welfare services under ss. 46.21, 46.215, 46.22, 46.23, 48.56, 51.42 and 51.437 and  
16 personnel from the department of health and family services who are responsible for  
17 child welfare services in Milwaukee County, as provided in s. 48.561.

18 (c) Local public health agencies.

19 (d) Persons involved in administering or providing intervention services for  
20 children from birth to age 3 under s. 51.44 (5).

21 (e) Persons involved in administering or providing family preservation and  
22 family support services under 42 USC 629 to 629e.

23 (f) Persons involved in administering or providing integrated service programs  
24 for children with severe disabilities under s. 46.56.

25 (g) Law enforcement agencies.

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1 (h) Courts.

2 **(3)** The department shall pay grants under this section in 3 annual instalments  
3 from the appropriation under s. 20.255 (2) (e). No school board or board of control  
4 of a cooperative educational service agency may be awarded, in any fiscal year, more  
5 than 10% of the amount appropriated in s. 20.255 (2) (e). The department shall  
6 distribute grants among small, medium and large school districts, based on  
7 enrollments. As a condition of receiving a grant, a school board or board of control  
8 of a cooperative educational service agency shall provide matching funds in an  
9 amount equal to at least 25% of the amount of its grant in the first year of the grant,  
10 50% of the amount of its grant in the 2nd year of the grant and 75% of the amount  
11 of its grant in the 3rd year of the grant. The matching funds may be from local,  
12 federal or private sources.

NOTE: Creates a grant program under which a school board or board of control of  
a CESA may apply for a three-year grant to implement a comprehensive prevention and  
intervention plan for reducing violence and disruption in schools.

13 **SECTION 10.** 118.16 (1m) of the statutes is created to read:

14 **118.16 (1m)** The period during which a pupil is absent from school due to a  
15 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an  
16 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause  
17 for the purposes of sub. (1) (c).

NOTE: Clarifies that the period that a pupil is absent from school due to a  
suspension or expulsion is neither an absence without an acceptable excuse for the  
purposes of the definition of "habitual truant" nor an absence without legal excuse for the  
purposes of the definition of "truancy".

18 **SECTION 11.** 118.175 of the statutes is created to read:

19 **118.175 Pupils without parents or guardians; report required. (1)** This  
20 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)

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1 or 938.02 (11), or who is cared for by a kinship care relative under s. 48.57 (3m) or  
2 a long-term kinship care relative under s. 48.57 (3n).

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

NOTE: Requires certain school personnel who know that a child is without a parent  
or guardian to report that fact as soon as possible to the appropriate county department  
of social services or human services or, in Milwaukee County, the department of health  
and family services.

8 **SECTION 12.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77,  
9 is amended to read:

10 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
11 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
12 (2), 115.45, 115.455, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to  
13 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.175,  
14 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,  
15 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26),  
16 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14  
17 are applicable to a 1st class city school district and board.

NOTE: Ensures that all provisions of the bill apply to the Milwaukee Public Schools.

18 **SECTION 13.** 120.12 (26) of the statutes is created to read:

19 120.12 **(26)** SAFE SCHOOL PLANS. Have in effect a safe school plan for each school  
20 in the school district.

NOTE: Requires each school board to have in effect a safe school plan for each school  
in the school district. Under the effective date provisions of this bill, this requirement  
takes effect on the first day of the sixth month beginning after publication of the act.

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

2           120.13 **(1)** (b) The school district administrator or any principal or teacher

3 designated by the school district administrator also may make rules, with the

4 consent of the school board, and may suspend a pupil for not more than 5 school days

5 or, if a notice of expulsion hearing has been sent under par. (c) 4, or (e) 4. or s. 119.25

6 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with

7 such rules or school board rules, or for knowingly conveying any threat or false

8 information concerning an attempt or alleged attempt being made or to be made to

9 destroy any school property by means of explosives, for conduct by the pupil while

10 at school or while under the supervision of a school authority which that endangers

11 the property, health or safety of others, or for conduct while not at school or while not

12 under the supervision of a school authority which that endangers the property,

13 health or safety of others at school or under the supervision of a school authority or

14 endangers the property, health or safety of any employe or school board member of

15 the school district in which the pupil is enrolled. In this paragraph, conduct that

16 endangers a person or property includes making a threat to the health or safety of

17 a person or making a threat to damage property. Prior to any suspension, the pupil

18 shall be advised of the reason for the proposed suspension. The pupil may be

19 suspended if it is determined that the pupil is guilty of noncompliance with such rule,

20 or of the conduct charged, and that the pupil's suspension is reasonably justified. The

21 parent or guardian of a suspended minor pupil shall be given prompt notice of the

22 suspension and the reason for the suspension. The suspended pupil or the pupil's

23 parent or guardian may, within 5 school days following the commencement of the

24 suspension, have a conference with the school district administrator or his or her

25 designee who shall be someone other than a principal, administrator or teacher in

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

NOTE: Explicitly provides that a pupil may be suspended for making a threat to property, health or safety, as follows: (1) while at school or under the supervision of a school authority, making a threat to endanger the property, health or safety of others; or (2) while not at school or while not under the supervision of a school authority, making a threat to endanger the property, health or safety of others at school or under the supervision of a school authority or to endanger the property, health or safety of an employe or school board member of the school district.

11 **SECTION 15.** 120.13 (1) (c) 1. of the statutes is amended to read:

12 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it  
13 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a  
14 pupil knowingly conveyed or caused to be conveyed any threat or false information  
15 concerning an attempt or alleged attempt being made or to be made to destroy any  
16 school property by means of explosives, or finds that the pupil engaged in conduct  
17 while at school or while under the supervision of a school authority ~~which~~ that  
18 endangered the property, health or safety of others, or finds that a pupil while not  
19 at school or while not under the supervision of a school authority engaged in conduct  
20 ~~which~~ that endangered the property, health or safety of others at school or under the  
21 supervision of a school authority or endangered the property, health or safety of any

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1 employe or school board member of the school district in which the pupil is enrolled,  
2 and is satisfied that the interest of the school demands the pupil's expulsion. In this  
3 subdivision, conduct that endangers a person or property includes making a threat  
4 to the health or safety of a person or making a threat to damage property.

NOTE: Explicitly provides that a pupil may be expelled for making a threat to property, health or safety, as follows: (1) while at school or under the supervision of a school authority, making a threat to endanger the property, health or safety of others; or (2) while not at school or while not under the supervision of a school authority, making a threat to endanger the property, health or safety of others at school or under the supervision of a school authority or to endanger the property, health or safety of an employe or school board member of the school district.

5 **SECTION 16.** 121.15 (3m) (a) 2. of the statutes is amended to read:

6 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.  
7 20.255 (2), other than s. 20.255 (2) (e), (fm), (fu), (k) and (m), and under ss. 20.275  
8 (1) (d), (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids  
9 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational  
10 telecommunications access to school districts under s. 196.218 (4r).

NOTE: Provides that the amounts appropriated under this draft for grants to school boards and boards of control of CESAs for reducing violence and disruption in schools are not considered state aid in determining the state's commitment to fund two-thirds partial school revenues.

11 **SECTION 17.** 165.72 (title) of the statutes is amended to read:

12 **165.72 (title) Controlled Dangerous weapons or criminal activity in**  
13 **schools hotline; controlled substances hotline and rewards for controlled**  
14 **substances tips.**

15 **SECTION 18.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

16 **SECTION 19.** 165.72 (1) (ad) of the statutes is created to read:

17 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

18 **SECTION 20.** 165.72 (2) (intro.) of the statutes is amended to read:

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1           165.72 (2) HOTLINE. (intro.) The department of justice shall maintain a single  
2 toll-free telephone number during normal retail business hours, as determined by  
3 departmental rule, for ~~both~~ all of the following:

4           **SECTION 21.** 165.72 (2) (c) of the statutes is created to read:

5           165.72 (2) (c) For persons to provide anonymously information regarding  
6 dangerous weapons or criminal activity in public or private schools.

7           **SECTION 22.** 165.72 (2g) of the statutes is created to read:

8           165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS  
9 IN SCHOOLS. If a call is made outside of normal retail business hours to the telephone  
10 number maintained under sub. (2), the department shall provide for the call to be  
11 received by a telephone answering system or service. The telephone answering  
12 system or service shall provide a recorded message that requests the person calling  
13 to call the telephone number “911” or a local law enforcement agency if the person  
14 is calling to provide information regarding dangerous weapons or criminal activity  
15 in a school.

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

17           165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN  
18 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding  
19 dangerous weapons or criminal activity in a school, or immediately at the beginning  
20 of the next retail business day if the information is not received during normal retail  
21 business hours, the department shall provide the information to all of the following:

22           (a) The administration of the school.

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

25           **SECTION 24.** 165.72 (7) of the statutes is amended to read:



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1           165.72 (7) PUBLICITY. The department shall cooperate with the department of  
2 public instruction in publicizing, in public and private schools, the use of the toll-free  
3 telephone number under sub. (2).

NOTE: The treatment of s. 165.72 expands the controlled substances hotline, maintained by the DOJ, to also allow persons to provide anonymously information regarding dangerous weapons or criminal activity in public or private schools. DOJ must provide a telephone answering system to receive calls outside of normal business hours that provides a message to tell callers to call “911” or a local law enforcement agency if the caller is calling to provide information regarding dangerous weapons or criminal activity in a school. Immediately upon receiving information regarding dangerous weapons or criminal activity in a school, or immediately at the beginning of the next retail business day if the information is not received during normal business hours, DOJ must provide the information to the administrator of the school and the appropriate law enforcement agency for the municipality in which the school is located.

4           **SECTION 25.** 895.035 (4) of the statutes is amended to read:

5           895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.  
6 943.51, the maximum recovery under this section from any parent or parents may  
7 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any  
8 one act of a juvenile in addition to taxable costs and disbursements and reasonable  
9 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the  
10 same parent or parents commit the same act the total recovery under this section  
11 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs  
12 and disbursements. The maximum recovery from any parent or parents for retail  
13 theft by their minor child is established under s. 943.51.

NOTE: Reflects the creation of s. 895.035 (4a).

14           **SECTION 26.** 895.035 (4a) of the statutes is created to read:

15           895.035 (4a) (a) The maximum recovery under this section by a school board  
16 or a governing body of a private school from any parent or parents with custody of  
17 a minor child may not exceed \$10,000 for damages resulting from any one act of the  
18 minor child in addition to taxable costs and disbursements and reasonable attorney

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1 fees, as determined by the court, for damages caused to the school district or private  
2 school by any of the following actions of the minor child:

3 1. An act or threat that endangers the health or safety of persons at the school  
4 or under the supervision of a school authority and that results in a substantial  
5 disruption of a school day or a school activity.

6 2. An act intended to, or a threat to damage the property of a school district,  
7 a private school, or a person at the school or under the supervision of a school  
8 authority that results in a substantial disruption of a school day or school activity.

9 3. 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 district or private school in loss of instructional time  
13 directly resulting from the action of the minor child under par. (a).

14 (c) If 2 or more minor children in the custody of the same parent or parents are  
15 involved in the same action under par. (a), the total recovery may not exceed \$10,000,  
16 in addition to taxable costs, disbursements and reasonable attorney fees, as  
17 determined by the court.

NOTE: Increases, from \$5,000 to \$10,000, the maximum dollar amount for parental liability for acts of minor children for certain violence-related costs that cause damages to a public school district or a private school.

18 **SECTION 27.** 947.017 of the statutes is created to read:

19 **947.017 Threat to cause death, bodily harm or property damage. (1)**

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

