

1999 DRAFTING REQUEST

Bill

Received: **06/04/1999**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC 6-3370**

By/Representing: **jane henkel**

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

Drafter: **mlief**

May Contact:

Alt. Drafters: **mdsida
nelsorp1
olsenje
malaigm**

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Pre Topic:

No specific pre topic given


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>Required</u>
/P1	mlief	jgeller	jfrantze	_____	lrb_docadmin 08/27/1999	
	08/26/1999	08/26/1999	08/27/1999	_____		
	mlief	wjackson		_____		
	08/26/1999	08/27/1999		_____		
/1	mlief	wjackson	kfollet	_____	lrb_docadmin 09/03/1999	
	08/31/1999	09/02/1999	09/02/1999	_____		
	malaigm			_____		
	08/31/1999			_____		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Required</u>
	nelsorp1 09/01/1999			_____		
/2	mlief 09/23/1999	wjackson 09/23/1999	kfollet 09/23/1999	_____	lrb_docadmin 09/23/1999	lrb_docadmin 09/23/1999

FE Sent For:

<END>

↪ Not Needed

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*Jacket for
Senate +
return to
Jane Henkel*

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/P1	mlief 08/26/1999	jgeller 08/26/1999	jfrantze 08/27/1999	_____	lrb_docadmin 08/27/1999	J	
	mlief 08/26/1999	wjackson 08/27/1999		_____			
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	nelsorp1			_____			
	09/01/1999			_____			

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/P1	mlief 08/26/1999	jgeller 08/26/1999	jfrantze 08/27/1999	_____	lrb_docadmin 08/27/1999		
	mlief 08/26/1999	wjackson 08/27/1999		_____			
		<i>1 wlj 9/2</i>	<i>kjf 9/2</i>	<i>kjf/ch 9/2</i>			
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<END>

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Wanted: As time permits

Identical to LRB:

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By/Representing: jane henkel

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/P1	mlief 08/26/1999 mlief	ygeller 08/26/1999	<i>Jb 8/27</i>	<i>Jb/Am</i> 8/27			
		<i>/P1 Wlj 8/27</i>					

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<END>

1999 DRAFTING REQUEST

Bill

Received: **06/4/99**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC 6-3370**

By/Representing: **jane henkel**

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

Drafter: **mlief**

May Contact:

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Topic:

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/?	mlief		<i>Ch LC comms - 6/4</i>	_____ _____			

FE Sent For:

<END>

1 **AN ACT** to renumber 165.72 (1) (a); to renumber and amend 115.38 (1) (b); to
2 *amend* 49.45 (39) (b), 120.13 (1) (b), 120.13 (1) (c) 1., 121.15 (3m) (a) 2., 165.72
3 (title), 165.72 (2) (intro.), 165.72 (7) and 895.035 (4); and to *create* 20.255 (2) (e),
4 36.11 (36), 38.04 (27), 115.38 (1) (b) 2., 115.455, 118.115, 118.16 (1m), 118.175,
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 educational
7 service agencies for implementing prevention and intervention strategies for
8 reducing violence and disruption in schools; safe school plans; a hotline in the
9 department of justice for the reporting of information regarding dangerous weapons
10 and criminal activity in schools; required reporting by certain school personnel of
11 pupils without a parent or guardian; increasing the amount of parental liability for
12 certain acts of a minor child affecting a school; medical assistance reimbursement to
13 school districts and cooperative educational service agencies of the federal share of
14 allowable charges for school medical services; authorizing school districts to expel
15 or suspend a pupil for making a threat to the health or safety of a person or making
16 a threat to damage property; suspension and expulsion information in the school
17 performance report; treatment of days of absence due to a suspension or expulsion
18 for the purposes of determining truancy and habitual truancy; efforts by the
19 department of justice and the department of public instruction to seek and obtain
20 federal funds relating to school safety; threats to cause death, bodily harm or
21 property damage in certain places; making an appropriation; and providing a penalty.

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

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

Grants for Reducing Violence and Disruption in Schools

The draft creates a grant program under which a school district or cooperative educational service agency (CESA) may apply for a 3-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 2nd year of a grant and at least 75% in the 3rd year. The amount appropriated for the grants is not considered in determining the state's commitment to fund 2/3 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. The DPI must ensure that grants are distributed among small, medium and large school districts, based on enrollment.

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

The draft 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 draft creates a similar requirement applicable to the state technical college board.

Safe School Plans

This draft creates a requirement that each school district in the state have in effect a safe school plan for each school in the school district. The requirement takes effect on the first day of the 6th month beginning after publication of the act.

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 which 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 which 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 (i.e., 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 draft specifies that, for the purposes of pupil suspensions and expulsions, conduct which 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 draft 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 after 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 draft 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. [s. 895.035 (4), stats.]

This draft creates a new provision establishing a higher maximum dollar amount for parental liability for certain violence-related acts of minor children. Under the draft, for damages caused to a public school district or a private school by any of the following acts by a minor child, the maximum recovery by a public school district or a private school from any parent or parents with custody of the child may not exceed \$20,000:

1. An act or threat which endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property of a school district or school and which 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 blowup such property.
 - e. Section 947.015, stats., relating to bomb scares.

The draft specifies that in addition to other types of damages, a school district or school may recover the cost to the school district or school in loss of instructional time directly resulting from the act of the minor child.

Reporting a Pupil Without a Parent or Guardian

This draft creates a new reporting requirement relating to a pupil without a parent or guardian. Under the draft, 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 under s. 48.02 (11), stats., or is cared for by a kinship care relative under s. 48.57 (3m), 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 bring 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 draft specifies that, in addition to numbers of suspensions and expulsions, the other indicators of school and school district performance 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 periods of expulsion.
4. The educational programs and services, if any, provided to pupils during their periods of expulsions, reported according to categories specified by the state superintendent.
5. The schools attended by pupils who are suspended or expelled.

6. The grade, gender and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities.

Habitual Truancy and Suspensions or Expulsions

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

Federal Funds

The draft directs the DOJ and the DPI to aggressively 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 5 years or both, if the offense occurs on or after December 31, 1999.

This draft 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, and 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 draft 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 the
2 following amounts for the purposes indicated:

				1999-00	2000-01
3					
4	20.255	Public instruction, department of			
5	(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING			
6	(e)	Grants for reducing violence and			
7		disruption	GPR A	\$5,000,000	\$5,000,000

NOTE: Creates the appropriation schedule entry for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455 and the appropriation for the grants is created in s. 20.255 (2) (e).

8 **SECTION 2.** 20.255 (2) (e) of the statutes is created to read:
9 20.255 (2) (e) *Grants for reducing violence and disruption.* The amounts in the
10 schedule for grants to school districts and cooperative educational service agencies under s.
11 115.455.

NOTE: Creates the appropriation for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455.

12 **SECTION 3.** 36.11 (36) of the statutes is created to read:

1 36.11 (36) SCHOOL SAFETY RESEARCH. The board shall direct the schools of education
2 and other appropriate research-oriented departments within the system, to work with the
3 technical college system board under s. 38.04 (27), school districts, private schools and the
4 department of public instruction to present to school districts and private schools the results
5 of research on models for and approaches to improving school safety and reducing discipline
6 problems in schools and at school activities.

NOTE: Directs the Board of Regents of the UW System 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.

7 SECTION 4. 38.04 (27) of the statutes is created to read:

8 38.04 (27) The board shall work with schools of education and other departments of
9 the University of Wisconsin System under s. 36.11 (36), school districts, private schools and
10 the department of public instruction to present to school districts and private schools the
11 results of research on models for and approaches to improving school safety and reducing
12 discipline problems in 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.

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

14 49.45 (39) (b) *Payment for school medical services.* If a school district or a cooperative
15 educational service agency elects to provide school medical services and meets all
16 requirements under par. (c), the department shall reimburse the school district or the
17 cooperative educational service agency for 60% of the federal share of allowable charges for
18 the school medical services that it provides and for allowable administrative costs. The
19 department shall promulgate rules establishing a methodology for making reimbursements

1 under this paragraph. All other expenses for the school medical services shall be paid for by
2 the school district or the cooperative educational service agency with funds received from
3 state or local taxes. The school district or the cooperative educational service agency shall
4 comply with all requirements of the federal department of health and human services for
5 receiving federal financial participation.

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

6 **SECTION 6.** 115.38 (1) (b) of the statutes is renumbered 115.38 (1) (b) 1. and amended
7 to read:

8 115.38 (1) (b) 1. Other indicators of school and school district performance, including
9 dropout, attendance, retention in grade and graduation rates; ~~numbers of suspensions and~~
10 ~~expulsions~~ the information on suspensions and expulsions specified in subd. 2.; percentage
11 of habitual truants, as defined in s. 118.16 (1) (a); percentage of pupils participating in
12 extracurricular and community activities and advanced placement courses; percentage of
13 graduates enrolled in postsecondary educational programs; and percentage of graduates
14 entering the workforce.

15 **SECTION 7.** 115.38 (1) (b) 2. of the statutes is created to read:

16 115.38 (1) (b) 2. The suspension and expulsion information required under subd. 1.
17 shall include numbers of suspensions and expulsions; the reasons for which pupils are
18 suspended or expelled, reported according to categories specified by the state superintendent;
19 the length of time for which pupils are expelled, reported according to categories specified by
20 the state superintendent; whether pupils return to school after their periods of expulsion; the
21 educational programs and services, if any, provided to pupils during their periods of

1 expulsions, reported according to categories specified by the state superintendent; the schools
2 attended by pupils who are suspended or expelled; and the grade, gender and ethnicity of
3 pupils who are suspended or expelled and whether the pupils are children with disabilities, as
4 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.

5 **SECTION 8.** 115.455 of the statutes is created to read:

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

10 (a) A plan to implement, in the school district, a comprehensive range of research-based
11 prevention and intervention strategies to build positive relationships for youth with parents,
12 schools, communities or other youth, or other research-based strategies which may include
13 one or more of the following:

- 14 1. Alternative educational programs and services for disruptive pupils or pupils who
15 have been suspended or expelled.
- 16 2. Coordination with integrated services programs under s. 46.56.
- 17 3. Alternatives to suspension or expulsion.
- 18 4. Families and schools together programs, as described in s. 115.361 (3) (a).
- 19 5. Before- and after-school activities.
- 20 6. Conflict resolution programs and strategies.
- 21 7. Direct instruction programs or other research-based instruction programs which
22 equal the skill development and cognition of direct instruction.

1 8. Mentoring programs for teachers in classroom behavior management strategies.

2 9. Professional staff development classes on classroom management, identifying pupils
3 who and situations which may become violent, violence prevention and identifying and
4 communicating with those state and local agencies which can assist in providing services or
5 responses to pupils and situations described in this subdivision.

6 (b) A description of the continuous quality improvement measures of outcomes of the
7 strategies to be used to evaluate activities under the plan.

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

11 (d) A description of the persons and entities which will be involved in developing the
12 plan and the programs or services with which activities under the plan will be coordinated.

13 (2) The school board or cooperative educational service agency shall involve the
14 following persons or entities in developing the plan under sub. (1) and shall coordinate
15 activities under the plan with the following persons or entities, as appropriate:

16 (a) Parents.

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

22 (c) Local public health agencies.

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

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

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

5 (g) Law enforcement agencies.

6 (h) Courts.

7 (3) The department shall award 3-year grants under this section from the appropriation
8 under s. 20.255 (2) (e). The department shall determine the amount of the grant, if any, to be
9 awarded to each applicant except that no school district or cooperative educational service
10 agency may be awarded, in any fiscal year, more than 10% of the amount appropriated in s.
11 20.255 (2) (e). The department shall ensure that grants are distributed among small, medium
12 and large school districts, based on enrollments. As a condition of receiving a grant, a school
13 district or cooperative educational service agency shall provide matching funds in an amount
14 equal to at least 25% of the amount of its grant in the first year of the grant, 50% of the amount
15 of its grant in the 2nd year of the grant and 75% of the amount of its grant in the 3rd year of
16 the grant. The matching funds may be from local, federal or private sources.

NOTE: Creates a grant program under which a school district or CESA
may apply for a 3-year grant to implement a comprehensive prevention
and intervention plan for reducing violence and disruption in schools.

17 **SECTION 9.** 118.115 of the statutes is created to read:

18 **118.115 Safe school plans.** Each school district shall have in effect a safe school plan
19 for each school in the school district.

NOTE: Requires each school district to have in effect a safe school plan
for each school in the school district. Under the effective date provisions
of this draft, this requirement takes effect on the first day of the 6th
month beginning after publication of the act.

*why not
in
118. 67?*

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

2 118.16 **(1m)** The period during which a pupil is absent from school due to a suspension
3 or expulsion under s. 120.13 or 119.25 is neither an absence without an acceptable excuse for
4 the purposes of sub. (1) (a) nor an absence without legal cause 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.

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

6 **118.175 Pupils without parents or guardians; report required.** (1) This section does
7 not apply to a pupil who is a child who has a legal custodian as defined in s. 48.02 (11) or
8 938.02 (11) or is cared for by a kinship care relative under s. 48.57 (3m).

9 (2) If a pupil is a child who is without a parent or guardian under s. 48.13 (1), any school
10 teacher, school administrator, school counselor or school social worker who knows that the
11 child is without a parent or guardian shall report that fact as soon as possible to the county
12 department under s. 48.02 (2g) or, in a county having a population of 500,000 or more, to the
13 department of health and family services.

NOTE: Requires certain school personnel who know that a child is without a parent 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.

14 **SECTION 12.** 120.13 (1) (b) of the statutes is amended to read:

15 120.13 (1) (b) The school district administrator or any principal or teacher designated
16 by the school district administrator also may make rules, with the consent of the school board,
17 and may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing
18 has been sent under par. (c) 4 or (e) 4. or s. 119.25 (2) (c), for not more than a total of 15

*v violate
pupil
records
law?*

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

1 course work missed during the suspension period, as provided in the attendance policy
2 established under s. 118.16 (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.

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

4 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it finds the
5 pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly
6 conveyed or caused to be conveyed any threat or false information concerning an attempt or
7 alleged attempt being made or to be made to destroy any school property by means of
8 explosives, or finds that the pupil engaged in conduct while at school or while under the
9 supervision of a school authority which endangered the property, health or safety of others,
10 or finds that a pupil while not at school or while not under the supervision of a school authority
11 engaged in conduct which endangered the property, health or safety of others at school or
12 under the supervision of a school authority or endangered the property, health or safety of any
13 employe or school board member of the school district in which the pupil is enrolled, and is
14 satisfied that the interest of the school demands the pupil's expulsion. In this subdivision,
15 conduct which endangers a person or property includes making a threat to the health or safety
16 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.

1 **SECTION 14.** 121.15 (3m) (a) 2. of the statutes is amended to read:

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

NOTE: Provides that the amounts appropriated under this draft for grants to school districts and CESAs for reducing violence and disruption in schools are not considered in determining the state's commitment to fund 2/3 partial school revenues.

7 **SECTION 15.** 165.72 (title) of the statutes is amended to read:

8 **165.72 (title) Controlled Dangerous weapons or criminal activity in schools and**
9 **controlled substances hotline and rewards for controlled substances tips.**

10 **SECTION 16.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

11 **SECTION 17.** 165.72 (1) (ad) of the statutes is created to read:

12 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

14 165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single toll-free
15 telephone number during normal retail business hours, as determined by departmental rule,
16 for ~~both~~ all of the following:

17 **SECTION 19.** 165.72 (2) (c) of the statutes is created to read:

18 165.72 (2) (c) For persons to anonymously provide information regarding dangerous
19 weapons or criminal activity in public or private schools.

1 **SECTION 20.** 165.72 (2g) of the statutes is created to read:

2 **165.72 (2g)** AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS IN
3 SCHOOLS. If a call is made after normal retail business hours to the telephone number
4 maintained under sub. (2), the department of justice shall provide for the call to be received
5 by a telephone answering system or service. The telephone answering system or service shall
6 provide a recorded message that requests the person calling to call the telephone number "911"
7 or a local law enforcement agency if the person is calling to provide information regarding
8 dangerous weapons or criminal activity in a school.

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

10 **165.72 (2m)** TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
11 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding dangerous
12 weapons or criminal activity in a school, or immediately at the beginning of the next retail
13 business day if the information is not received during normal retail business hours, the
14 department of justice shall provide the information to all of the following:

15 (a) The administration of the school.

16 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for the
17 municipality in which the school is located.

18 **SECTION 22.** 165.72 (7) of the statutes is amended to read:

19 **165.72 (7)** PUBLICITY. The department shall cooperate with the department of public
20 instruction in publicizing, in public and private schools, the use of the toll-free telephone
21 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 anonymously provide information regarding dangerous weapons or criminal activity in public or private schools. DOJ must provide a telephone answering system to receive calls after normal business hours which 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.

1 **SECTION 23.** 895.035 (4) of the statutes is amended to read:

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

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

10 **SECTION 24.** 895.035 (4a) of the statutes is created to read:

11 895.035 (4a) (a) For damages caused to a public school district or a private school by
12 any of the following acts by a minor child, the maximum recovery by the school district or
13 school from any parent or parents with custody of the child may not exceed \$20,000 for
14 damages resulting from any one act of the child in addition to taxable costs and disbursements
15 and reasonable attorney fees, as determined by the court:

16 1. An act or threat which endangers the property, health or safety of others at school or
17 under the supervision of a school authority or endangers the property of a school district or
18 school and which results in a substantial disruption of a school day or a school activity.

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

3 (b) In addition to other recoverable damages, damages under par. (a) may include the
4 cost to the school district or school in loss of instructional time directly resulting from the act
5 or acts of the minor child under par (a).

6 (c) If 2 or more minor children in the custody of the same parent or parents commit the
7 same act, the total recovery may not exceed \$20,000, in addition to taxable costs,
8 disbursements and reasonable attorney fees, as determined by the court.

NOTE: Increases, from \$5,000 to \$20,000, the maximum dollar amount
for parental liability for acts of minor children for certain
violence-related costs which cause damages to a public school district or
a private school.

9 **SECTION 25.** 947.017 of the statutes is created to read:

10 **947.017 Threat to cause death, bodily harm or property damage.** (1) In this section,
11 “governmental unit” means the United States, this state or one of its political subdivisions, an
12 instrumentality or corporation of any of the foregoing or a combination or subunit of any of
13 the foregoing.

14 (2) A person is guilty of a Class E felony if the person threatens to use a dangerous
15 weapon or explosives to cause death, bodily harm or property damage in or on the premises
16 of a structure owned, occupied or controlled by a governmental unit, a school, as defined in
17 s. 948.50 (2) (a), or an institution of higher education, as defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or
explosives to cause death, bodily harm or property damage in or on the
premises of a structure owned, occupied or controlled by a governmental
unit, a school or an institution of higher education.

18 **SECTION 26. Nonstatutory provisions.**

Memo

To: MJL

From: JEO, RPN, GMM

Subject: Legislative Council Study Committee Draft

Date: June 8, 1999

Please review the relevant sections of the attached Legislative Council Study Committee draft and redraft accordingly. (Gordon, please review s. 118.175 to see if the cross-references make sense; Jefren and Bob, please review those sections affected by the draft from your respective chapters.) I know that this is a bad time to be circulating a non-budget draft, but I would be grateful if you could complete your review within the next two weeks. If you can't do so, please let me know.

Thanks.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 165.72 (1) (a); *to renumber and amend* 115.38 (1) (b); *to*
2 *amend* 49.45 (39) (b), 120.13 (1) (b), 120.13 (1) (c) 1., 121.15 (3m) (a) 2., 165.72
3 (title), 165.72 (2) (intro.), 165.72 (7) and 895.035 (4); and *to create* 20.255 (2)
4 (e), 36.11 (36), 38.04 (27), 115.38 (1) (b) 2., 115.455, 118.115, 118.16 (1m),
5 118.175, 165.72 (1) (ad), 165.72 (2) (c), 165.72 (2g), 165.72 (2m), 895.035 (4a) and
6 947.017 of the statutes; **relating to:** grants to school districts and cooperative
7 educational service agencies for implementing prevention and intervention
8 strategies for reducing violence and disruption in schools; safe school plans; a
9 hotline in the department of justice for the reporting of information regarding
10 dangerous weapons and criminal activity in schools; required reporting by
11 certain school personnel of pupils without a parent or guardian; increasing the
12 amount of parental liability for certain acts of a minor child affecting a school;
13 medical assistance reimbursement to school districts and cooperative
14 educational service agencies of the federal share of allowable charges for school
15 medical services; authorizing school districts to expel or suspend a pupil for

1 making a threat to the health or safety of a person or making a threat to damage
2 property; suspension and expulsion information in the school performance
3 report; treatment of days of absence due to a suspension or expulsion for the
4 purposes of determining truancy and habitual truancy; efforts by the
5 department of justice and the department of public instruction to seek and
6 obtain federal funds relating to school safety; threats to cause death, bodily
7 harm or property damage in certain places; making an appropriation; and
8 providing a penalty.

Analysis by the Legislative Reference Bureau

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

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

Grants for Reducing Violence and Disruption in Schools

The draft creates a grant program under which a school district or cooperative educational service agency (CESA) may apply for a 3-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 2nd year of a grant and at least 75% in the 3rd year. The amount appropriated for the grants is not considered in determining the state's commitment to fund 2/3 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. The DPI must ensure that grants are distributed among small, medium and large school districts, based on enrollment.

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

The draft 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 draft creates a similar requirement applicable to the state technical college board.

Safe School Plans

This draft creates a requirement that each school district in the state have in effect a safe school plan for each school in the school district. The requirement takes effect on the first day of the 6th month beginning after publication of the act.

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 which 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 which 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 (i.e., 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 draft specifies that, for the purposes of pupil suspensions and expulsions, conduct which 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 draft 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 after 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 draft 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. [s. 895.035 (4), stats.]

This draft creates a new provision establishing a higher maximum dollar amount for parental liability for certain violence-related acts of minor children. Under the draft, for damages caused to a public school district or a private school by any of the following acts by a minor child, the maximum recovery by a public school district or a private school from any parent or parents with custody of the child may not exceed \$20,000:

1. An act or threat which endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property of a school district or school and which 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 blowup such property.

e. Section 947.015, stats., relating to bomb scares.

The draft specifies that in addition to other types of damages, a school district or school may recover the cost to the school district or school in loss of instructional time directly resulting from the act of the minor child.

Reporting a Pupil Without a Parent or Guardian

This draft creates a new reporting requirement relating to a pupil without a parent or guardian. Under the draft, 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 under s. 48.02 (11), stats., or is cared for by a kinship care relative under s. 48.57 (3m), 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 bring 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 draft specifies that, in addition to numbers of suspensions and expulsions, the other indicators of school and school district performance 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 periods of expulsion.
4. The educational programs and services, if any, provided to pupils during their periods of expulsions, reported according to categories specified by the state superintendent.
5. The schools attended by pupils who are suspended or expelled.
6. The grade, gender and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities.

Habitual Truancy and Suspensions or Expulsions

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

Federal Funds

The draft directs the DOJ and the DPI to aggressively 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 5 years or both, if the offense occurs on or after December 31, 1999.

This draft 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, and 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 draft 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:

	1999-00	2000-01
3		
4	20.255 Public instruction, department of	
5	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING	
6	(e) Grants for reducing violence and	
7	disruption	GPR A \$5,000,000 \$5,000,000

NOTE: Creates the appropriation schedule entry for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455 and the appropriation for the grants is created in s. 20.255 (2) (e).

8 **SECTION 2.** 20.255 (2) (e) of the statutes is created to read:

9 20.255 (2) (e) *Grants for reducing violence and disruption.* The amounts in the
10 schedule for grants to school districts and cooperative educational service agencies
11 under s. 115.455.

NOTE: Creates the appropriation for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455.

12 **SECTION 3.** 36.11 (36) of the statutes is created to read:

13 36.11 (36) **SCHOOL SAFETY RESEARCH.** The board shall direct the schools of
14 education and other appropriate research-oriented departments within the system,
15 to work with the technical college system board under s. 38.04 (27), school districts,
16 private schools and the department of public instruction to present to school districts
17 and private schools the results of research on models for and approaches to

1 improving school safety and reducing discipline problems in schools and at school
2 activities.

NOTE: Directs the Board of Regents of the UW System 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.

3 SECTION 4. 38.04 (27) of the statutes is created to read:

4 38.04 (27) The board shall work with schools of education and other
5 departments of the University of Wisconsin System under s. 36.11 (36), school
6 districts, private schools and the department of public instruction to present to
7 school districts and private schools the results of research on models for and
8 approaches to improving school safety and reducing discipline problems in schools
9 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.

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

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

1 all requirements of the federal department of health and human services for
2 receiving federal financial participation.

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

3 SECTION 6. 115.38 (1) (b) of the statutes is renumbered 115.38 (1) (b) 1. and
4 amended to read:

5 115.38 (1) (b) 1. Other indicators of school and school district performance,
6 including dropout, attendance, retention in grade and graduation rates; numbers of
7 ~~suspensions and expulsions~~ the information on suspensions and expulsions specified
8 in subd. 2.; percentage of habitual truants, as defined in s. 118.16 (1) (a); percentage
9 of pupils participating in extracurricular and community activities and advanced
10 placement courses; percentage of graduates enrolled in postsecondary educational
11 programs; and percentage of graduates entering the workforce.

12 SECTION 7. 115.38 (1) (b) 2. of the statutes is created to read:

13 115.38 (1) (b) 2. The suspension and expulsion information required under
14 subd. 1. shall include numbers of suspensions and expulsions; the reasons for which
15 pupils are suspended or expelled, reported according to categories specified by the
16 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 periods of expulsion; the educational programs and services, if
19 any, provided to pupils during their periods of expulsions, reported according to
20 categories specified by the state superintendent; the schools attended by pupils who
21 are suspended or expelled; and the grade, gender and ethnicity of pupils who are
22 suspended or expelled and whether the pupils are children with disabilities, as
23 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.

1 **SECTION 8.** 115.455 of the statutes is created to read:

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

7 (a) A plan to implement, in the school district, a comprehensive range of
8 research-based prevention and intervention strategies to build positive
9 relationships for youth with parents, schools, communities or other youth, or other
10 research-based strategies which may include one or more 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- and after-school activities.

17 6. Conflict resolution programs and strategies.

18 7. Direct instruction programs or other research-based instruction programs
19 which equal the skill development and cognition of direct instruction.

20 8. Mentoring programs for teachers in classroom behavior management
21 strategies.

22 9. Professional staff development classes on classroom management,
23 identifying pupils who and situations which may become violent, violence prevention

1 and identifying and communicating with those state and local agencies which can
2 assist in providing services or responses to pupils and situations described in this
3 subdivision.

4 (b) A description of the continuous quality improvement measures of outcomes
5 of the strategies to be used to evaluate activities under the plan.

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

9 (d) A description of the persons and entities which will be involved in
10 developing the plan and the programs or services with which activities under the
11 plan will be coordinated.

12 (2) The school board or cooperative educational service agency shall involve the
13 following persons or entities in developing the plan under sub. (1) and shall
14 coordinate activities under the plan with the following persons or entities, as
15 appropriate:

16 (a) Parents.

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

22 (c) Local public health agencies.

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

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

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

5 (g) Law enforcement agencies.

6 (h) Courts.

7 (3) The department shall award 3-year grants under this section from the
8 appropriation under s. 20.255 (2) (e). The department shall determine the amount
9 of the grant, if any, to be awarded to each applicant except that no school district or
10 cooperative educational service agency may be awarded, in any fiscal year, more than
11 10% of the amount appropriated in s. 20.255 (2) (e). The department shall ensure
12 that grants are distributed among small, medium and large school districts, based
13 on enrollments. As a condition of receiving a grant, a school district or cooperative
14 educational service agency shall provide matching funds in an amount equal to at
15 least 25% of the amount of its grant in the first year of the grant, 50% of the amount
16 of its grant in the 2nd year of the grant and 75% of the amount of its grant in the 3rd
17 year of the grant. The matching funds may be from local, federal or private sources.

NOTE: Creates a grant program under which a school district or CESA may apply
for a 3-year grant to implement a comprehensive prevention and intervention plan for
reducing violence and disruption in schools.

18 SECTION 9. 118.115 of the statutes is created to read:

19 **118.115 Safe school plans.** Each school district shall have in effect a safe
20 school plan for each school in the school district.

NOTE: Requires each school district to have in effect a safe school plan for each
school in the school district. Under the effective date provisions of this draft, this
requirement takes effect on the first day of the 6th month beginning after publication of
the act.

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

1 **118.16 (1m)** The period during which a pupil is absent from school due to a
2 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an
3 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause
4 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.

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

6 **118.175 Pupils without parents or guardians; report required.** (1) This
7 section does not apply to a pupil who is a child who has a legal custodian as defined
8 in s. 48.02 (11) or 938.02 (11) or is cared for by a kinship care relative under s. 48.57
9 (3m).

10 (2) If a pupil is a child who is without a parent or guardian under s. 48.13 (1),
11 any school teacher, school administrator, school counselor or school social worker
12 who knows that the child is without a parent or guardian shall report that fact as
13 soon as possible to the county department under s. 48.02 (2g) or, in a county having
14 a population of 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 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.

15 **SECTION 12.** 120.13 (1) (b) of the statutes is amended to read:

16 **120.13 (1) (b)** The school district administrator or any principal or teacher
17 designated by the school district administrator also may make rules, with the
18 consent of the school board, and may suspend a pupil for not more than 5 school days
19 or, if a notice of expulsion hearing has been sent under par. (c) 4 or (e) 4. or s. 119.25
20 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with

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

1 paragraph shall not be denied the opportunity to take any quarterly, semester or
2 grading period examinations or to complete course work missed during the
3 suspension period, as provided in the attendance policy established under s. 118.16
4 (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.

5 SECTION 13. 120.13 (1) (c) 1. of the statutes is amended to read:

6 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
7 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
8 pupil knowingly conveyed or caused to be conveyed any threat or false information
9 concerning an attempt or alleged attempt being made or to be made to destroy any
10 school property by means of explosives, or finds that the pupil engaged in conduct
11 while at school or while under the supervision of a school authority which
12 endangered the property, health or safety of others, or finds that a pupil while not
13 at school or while not under the supervision of a school authority engaged in conduct
14 which endangered the property, health or safety of others at school or under the
15 supervision of a school authority or endangered the property, health or safety of any
16 employe or school board member of the school district in which the pupil is enrolled,
17 and is satisfied that the interest of the school demands the pupil's expulsion. In this
18 subdivision, conduct which endangers a person or property includes making a threat
19 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.

1 **SECTION 14.** 121.15 (3m) (a) 2. of the statutes is amended to read:

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

NOTE: Provides that the amounts appropriated under this draft for grants to school districts and CESAs for reducing violence and disruption in schools are not considered in determining the state's commitment to fund 2/3 partial school revenues.

7 **SECTION 15.** 165.72 (title) of the statutes is amended to read:

8 **165.72 (title) Controlled Dangerous weapons or criminal activity in**
9 **schools ^{hotline} ~~and~~ controlled substances hotline and rewards for controlled**
10 **substances tips.**

11 **SECTION 16.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

12 **SECTION 17.** 165.72 (1) (ad) of the statutes is created to read:

13 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

15 165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single
16 toll-free telephone number during normal retail business hours, as determined by
17 departmental rule, for ~~both~~ all of the following:

18 **SECTION 19.** 165.72 (2) (c) of the statutes is created to read:

19 165.72 (2) (c) For persons to anonymously provide information regarding
20 dangerous weapons or criminal activity in public or private schools.

21 **SECTION 20.** 165.72 (2g) of the statutes is created to read:

1 165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS
2 IN SCHOOLS. If a call is made ^{outside of} ~~after~~ normal retail business hours to the telephone
3 number maintained under sub. (2), the department of ~~justice~~ shall provide for the call
4 to be received by a telephone answering system or service. The telephone answering
5 system or service shall provide a recorded message that requests the person calling
6 to call the telephone number "911" or a local law enforcement agency if the person
7 is calling to provide information regarding dangerous weapons or criminal activity
8 in a school.

9 SECTION 21. 165.72 (2m) of the statutes is created to read:

10 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
11 SCHOOLS. Immediately upon receiving any information under sub. (2) (c) regarding
12 dangerous weapons or criminal activity in a school, or immediately at the beginning
13 of the next retail business day if the information is not received during normal retail
14 business hours, the department of ~~justice~~ shall provide the information to all of the
15 following:

16 (a) The administration of the school.

17 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1)(b), for
18 the municipality in which the school is located.

19 SECTION 22. 165.72 (7) of the statutes is amended to read:

20 165.72 (7) PUBLICITY. The department shall cooperate with the department of
21 public instruction in publicizing, in public and private schools, the use of the toll-free
22 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 anonymously provide information regarding dangerous weapons or criminal activity in public or private schools. DOJ must provide a telephone answering system to receive calls after normal business hours which 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.

1 **SECTION 23.** 895.035 (4) of the statutes is amended to read:

2 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
3 943.51, the maximum recovery from any parent or parents may not exceed the
4 amount specified in s. 799.01 (1) (d) for damages resulting from any one act of a
5 juvenile in addition to taxable costs and disbursements and reasonable attorney fees,
6 as determined by the court. If 2 or more juveniles in the custody of the same parent
7 or parents commit the same act the total recovery may not exceed the amount
8 specified in s. 799.01 (1) (d), in addition to taxable costs and disbursements. The
9 maximum recovery from any parent or parents for retail theft by their minor child
10 is established under s. 943.51.

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

11 **SECTION 24.** 895.035 (4a) of the statutes is created to read:

12 895.035 (4a) (a) For damages caused to a public school district or a private
13 school by any of the following acts by a minor child, the maximum recovery by the
14 school district or school from any parent or parents with custody of the child may not
15 exceed \$20,000 for damages resulting from any one act of the child in addition to
16 taxable costs and disbursements and reasonable attorney fees, as determined by the
17 court:

18 1. An act or threat which endangers the property, health or safety of others at
19 school or under the supervision of a school authority or endangers the property of a
20 school district or school and which results in a substantial disruption of a school day
21 or a school activity.

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

3 (b) In addition to other recoverable damages, damages under par. (a) may
4 include the cost to the school district or school in loss of instructional time directly
5 resulting from the act or acts of the minor child under par (a).

6 (c) If 2 or more minor children in the custody of the same parent or parents
7 commit the same act, the total recovery may not exceed \$20,000, in addition to
8 taxable costs, disbursements and reasonable attorney fees, as determined by the
9 court.

NOTE: Increases, from \$5,000 to \$20,000, the maximum dollar amount for parental liability for acts of minor children for certain violence-related costs which cause damages to a public school district or a private school.

10 **SECTION 25. 947.017 of the statutes is created to read:**

11 **947.017 Threat to cause death, bodily harm or property damage. (1)**

12 In this section, "governmental unit" means the United States, this state or one of its
13 political subdivisions, an instrumentality or corporation of any of the foregoing or a
14 combination or subunit of any of the foregoing.

15 (2) A person is guilty of a Class E felony if the person threatens to use a
16 dangerous weapon or explosives to cause death, bodily harm or property damage in
17 or on the premises of a structure owned, occupied or controlled by a governmental
18 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
19 defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or explosives to cause death, bodily harm or property damage in or on the premises of a structure owned, occupied or controlled by a governmental unit, a school or an institution of higher education.

20 **SECTION 26. Nonstatutory provisions.**

KJB = 3/10/01

"1" changed
or Attach 3/10/01/du

1 (1) The department of justice and the department of public instruction shall
2 aggressively seek and apply for federal funds relating to school safety and reducing
3 violence and disruption in schools, including funds for alternative schools or
4 programs. Each department shall make a report by January 1, 2001 and January
5 1, 2003, of its progress in applying for and obtaining funds under this section. The
6 report shall be provided to the legislature in the manner provided under section
7 13.172 (2) of the statutes, to the cochairpersons of the joint committee on finance and
8 to the governor.

NOTE: Requires the DOJ and the DPI to aggressively 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.

9 **SECTION 27. Effective date.** This act takes effect on the day after publication,
10 except as follows:

11 (1) The creation of section 118.115 of the statutes takes effect on the first day
12 of the 6th month beginning after publication.

NOTE: Requires school districts to have school safety plans in effect on the first day of the 6th month following publication of the act. All other provisions of the act take effect on the day after publication.

13 **SECTION 28. Initial applicability.**

14 (1) The treatment of section 115.38 (1) (b) of the statutes first applies to reports
15 required, under section 115.38 (2) of the statutes, to be distributed by January 1,
16 2002.

NOTE: Provides that the first school performance report which must contain the additional information related to suspensions and expulsions required under this act is the report which must be filed by January 1, 2002.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3176/P1

M/L:/:ch

Y/ULj

GM, JO, RN,

MD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Due
Friday,
August
27th.

D-N

To ed. fig 8/26/99

Gen Cat

1 AN ACT ^{Gen Cat} to renumber 165.72 (1) (a); to renumber and amend 115.38 (1) (b); to

2 amend 49.45 (39) (b), 120.13 (1) (b), 120.13 (1) (c) 1., 121.15 (3m) (a) 2., 165.72

3 (title), 165.72 (2) (intro.), 165.72 (7) and 895.035 (4); and to create 20.255 (2)

4 (e), 36.11 (36), 38.04 (27), 115.38 (1) (b) 2., 115.455, 118.115, 118.16 (1m),

5 118.175, 165.72 (1)(ad), 165.72 (2)(c), 165.72 (2g), 165.72 (2m), 895.035 (4a) and

6 947.017 of the statutes; relating to: grants to school districts and cooperative

7 educational service agencies for implementing prevention and intervention ^{to reduce} ~~strategies for reducing~~ ^{establishing} violence and disruption in schools; safe school plans; a

8 hotline in the department of justice for the reporting of information regarding

9 dangerous weapons and criminal activity in schools; required reporting by

10 certain school personnel of pupils without a parent or guardian; increasing the

11 amount of parental liability for certain acts of a minor child affecting a school;

12 medical assistance reimbursement to school districts and cooperative

13 educational service agencies of the federal share of allowable charges for school

14 medical services; authorizing school districts to expel or suspend a pupil for

15

- 1 making a threat to the health or safety of a person or making a threat to damage
- 2 property; suspension and expulsion information in the school performance
- 3 report; treatment of days of absence due to a suspension or expulsion ~~for the~~
- 4 ~~to determine~~ purposes of determining truancy and habitual truancy; ~~efforts by the~~
- 5 ~~department of justice and the department of public instruction to seek and~~
- 6 obtain^{ing} federal funds relating to school safety; threats to cause death, bodily
- 7 harm or property damage in certain places; making an appropriation^g and
- 8 providing a penalty.

Ct S.

Analysis by the Legislative Reference Bureau

This bill is explained in the (NOTES) provided by the Joint Legislative Council in the bill.

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

- X PREFATORY NOTE: This ~~draft~~^{bill} was developed by the joint legislative council's special committee on school discipline and safety.
- Grants for Reducing Violence and Disruption in Schools
- X The ~~draft~~^{bill} creates a grant program under which a school district or cooperative educational service agency (CESA) may apply for a ~~1/3~~^{two-thirds} 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 ~~2nd~~^{second} year of a grant and at least 75% in the ~~3rd~~^{third} year. The amount appropriated for the grants is not considered in determining the state's commitment to fund ~~2/3~~^{two-thirds} partial school revenues.
- X 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. ~~The~~ DPI must ensure that grants are distributed among small, medium and large school districts, based on enrollment.
- X The ~~draft~~^{bill} appropriates \$5 million ~~in~~ⁱⁿ general purpose revenue for the grants in each of the fiscal years 1999-00 and 2000-01.
- X The ~~draft~~^{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 ~~draft~~^{bill} creates a similar requirement applicable to the state technical college board.

bill

Safe School Plans

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

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 ^{that} a pupil for conduct while at school or under the supervision of a school authority ~~which~~^{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 ^{that} while not at school or while not under the supervision of a school authority ~~which~~^{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 ^{that is} 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 ~~(to~~^{that} 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 ~~draft~~^{bill} specifies that, ~~for the purposes of pupil suspensions and expulsions,~~^{that} conduct ~~which~~^{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 ~~draft~~^{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 ~~after~~^{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 ~~draft~~^{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

the property of a school board or to the property of the governing body of a private school

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. ~~§ 895.035(4), Stats.~~

X
X
X

This ~~draft~~ ^{bill} creates a new provision establishing a higher maximum dollar amount for parental liability for certain violence-related acts of minor children. Under the ~~draft~~ ^{bill} for damages caused to a ~~public school district or a private school~~ ^{board} by any of the following acts by a minor child, the maximum recovery by a ~~public school district or a private school~~ ^{governing body of a} from any parent or parents with custody of the child may not exceed \$20,000:

governing body of a

X

1. An act or threat ~~which~~ ^{that} endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property of a school ~~district or school and which~~ ^{governing body of a private} 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.

X

d. Section 943.05, stats., relating to placing combustible or explosive materials in or near property with intent to set fire or blowup ~~such~~ ^{the} property.

e. Section 947.015, stats., relating to bomb scares.

X

The ~~draft~~ ^{bill} specifies that in addition to other types of damages, a school ~~district or school~~ ^{board} may recover ~~the cost to the school district or school~~ ^{its cost} in loss of instructional time directly resulting from the act of the minor child.

governing body of a private

Reporting a Pupil Without a Parent or Guardian

This ~~draft~~ ^{bill} creates a new reporting requirement relating to a pupil without a parent or guardian. Under the ~~draft~~ ^{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 under s. 48.02 (11), stats., or is cared for by a kinship care relative under s. 48.57 (3m), 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 ~~bring home~~ ^{take} 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} draft specifies that, in addition to numbers of suspensions and expulsions, the other indicators of school and school district performance 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 periods of expulsion.
4. The educational programs and services, if any, provided to pupils during their periods of expulsions, reported according to categories specified by the state superintendent.
5. The schools attended by pupils who are suspended or expelled.
- X 6. The grade, ^{sex} gender and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities.

Habitual Truancy and Suspensions or Expulsions

X This ^{bill} draft 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 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.

X This ^{bill} draft provides that a school ^{board} district or CESA ^{which that} provides school medical services may receive the entire federal share of the allowable charges and allowable administrative costs.

Federal Funds

X The ^{bill} draft directs ^g the DOJ and ^g the DPI ^{to} aggressively 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.

X This ^{bill} draft 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~~^{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 ~~statute~~^{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.

3 1999-00 2000-01

4 20.255 Public instruction, department of

5 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

6 (e) Grants for reducing violence and

7 disruption GPR A \$5,000,000 \$5,000,000

NOTE: Creates the appropriation schedule entry for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455 and the appropriation for the grants is created in s. 20.255 (2) (e).

8 ✓ SECTION 2. 20.255 (2) (e) of the statutes is created to read:

9 20.255 (2) (e) ~~Grants for reducing violence and disruption.~~ The amounts in the
10 schedule for grants to school ~~districts~~^{boards} and ~~cooperative educational service agencies~~^{boards of control of}
11 under s. 115.455.

NOTE: Creates the appropriation for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455. ✓

12 SECTION 3. 36.11 (36) of the statutes is created to read:

13 36.11 (36) SCHOOL SAFETY RESEARCH. The board shall direct the schools of
14 education and other appropriate research-oriented departments within the system,
15 to work with the technical college system board under s. 38.04 (27), school districts,
16 private schools and the department of public instruction to present to school districts
17 and private schools the results of research on models for and approaches to

1 improving school safety and reducing discipline problems in schools and at school
2 activities.

X NOTE: Directs the Board of Regents of the UW System 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.

3 SECTION 4. 38.04 (27) of the statutes is created to read:

4 38.04 (27) ^{SCHOOL SAFETY RESEARCH.} The board shall work with schools of education and other
5 departments of the University of Wisconsin System under s. 36.11 (36), school
6 districts, private schools and the department of public instruction to present to
7 school districts and private schools the results of research on models for and
8 approaches to improving school safety and reducing discipline problems in schools
9 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.

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

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

1 all requirements of the federal department of health and human services for
2 receiving federal financial participation.

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

3 SECTION 6. 115.38 (1) (b) of the statutes is ~~renumbered 115.38 (1) (b) 1, and~~

4 amended to read:

5 115.38 (1) (b) Other indicators of school and school district performance,

6 including dropout, attendance, retention in grade and graduation rates; ^{strike sentence} numbers of

7 suspensions and expulsions ~~the information on suspensions and expulsions specified~~

8 ~~in s. 115.38 (1) (b) 1~~; percentage of habitual truants, as defined in s. 118.16 (1) (a); percentage

9 of pupils participating in extracurricular and community activities and advanced

10 placement courses; percentage of graduates enrolled in postsecondary educational

11 programs; and percentage of graduates entering the workforce.

12 SECTION 7. 115.38 (1) ^(bm) ~~(b) 2~~ of the statutes is created to read:

13 115.38 (1) ^(bm) ~~(b) 2~~ ^{The} ~~The suspension and expulsion information required under~~

14 ~~subd. 1. shall include~~ numbers of suspensions and expulsions; the reasons for which

15 pupils are suspended or expelled, reported according to categories specified by the

16 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 ~~period of~~ expulsion; the educational programs and services, if

19 any, provided to pupils during their ~~period of~~ expulsions, reported according to

20 categories specified by the state superintendent; the schools attended by pupils who

21 are suspended or expelled; and the grade, ^{sex} ~~gender~~ and ethnicity of pupils who are

22 suspended or expelled and whether the pupils are children with disabilities, as

23 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.

1 SECTION 8. 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 department for a grant

4 under this section to implement a comprehensive prevention and intervention plan
5 for reducing violence and disruption in schools. The application shall include all of
6 the following:

7 (a) A plan to implement, in the school district, ^{or school districts} a comprehensive range of
8 research-based prevention and intervention strategies to build positive
9 relationships for youth with parents, schools, communities or other youth, or other
10 research-based strategies, ^{including any} ~~which may include one or more~~ 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, ^{under} ~~as described in~~ s. 115.361 (3) (a).[√]

16 5. Before-^{school} and after-school activities.

17 6. Conflict resolution ~~programs and activities.~~

18 7. Direct instruction programs or other research-based instruction programs
19 ^{whose} ~~which equal the~~ skill development and cognition ^{results equal those} of direct instruction.

20 8. Mentoring programs for teachers in classroom behavior ~~management~~
21 ^{strategies} ~~management~~ ^{the management of}

22 9. Professional staff development classes on ^{managing} classroom ^{management}
23 identifying pupils who and situations ^{that} which may become violent, ^{preventing} violence ^{prevention}

violence prevention

① and identifying and communicating with those state and local agencies ^{that} which can
 2 assist in providing services or responses to pupils and situations described in this
 3 subdivision.

④ (b) A description of ^{how the success of the plan in reducing violence and disruption in school will be evaluated} the continuous quality improvement measures of outcomes
 ⑤ of the strategies to be used to evaluate activities under the plan.

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

⑨ (d) A description of the persons ^{who were} ~~and entities which will be~~ involved in
 10 developing the plan and the programs or services with which activities under the
 11 plan will be coordinated.

⑫ (2) The school board or cooperative educational service agency ^{department may not award a grant under this section to a} shall involve the
 13 following persons ^{board of control of a} or ~~entities~~ in developing the plan under sub. (1) and ^{unless} shall
 14 ^{are involved} ~~coordinate~~ activities under the plan with the following persons ~~or entities~~, as

15 appropriate: ^{are coordinated} ^{programs and services of the}

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

22 (c) Local public health agencies.

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

1 (e) Persons ~~agencies~~ involved in administering or providing family
2 preservation and family support services under 42 USC 629 to 629e.

3 (f) Persons ~~agencies~~ involved in administering or providing integrated
4 service programs for children with severe disabilities under s. 46.56.

5 (g) Law enforcement agencies.

6 (h) Courts.

7 (3) The department shall ~~award 3 year grants~~ under this section from the
8 appropriation under s. 20.255 (2) (e). ~~The department shall determine the amount~~

9 ~~of the grant, if any, to be awarded to each applicant except that no school district or~~
10 ~~cooperative educational service agency may be awarded, in any fiscal year, more than~~

11 10% of the amount appropriated in s. 20.255 (2) (e). ~~The department shall ensure~~
12 ~~that grants are distributed~~ among small, medium and large school districts, based

13 on enrollments. As a condition of receiving a grant, a school ~~district~~ or cooperative
14 educational service agency shall provide matching funds in an amount equal to at

15 least 25% of the amount of its grant in the first year of the grant, 50% of the amount
16 of its grant in the 2nd year of the grant and 75% of the amount of its grant in the 3rd

17 year of the grant. The matching funds may be from local, federal or private sources.

NOTE: Creates a grant program under which a school ~~district~~ or CESA may apply
for a ~~3~~ year grant to implement a comprehensive prevention and intervention plan for
reducing violence and disruption in schools.

18 SECTION 9. ~~118.15~~ of the statutes is created to read:
19 ~~118.15 Safe school plans.~~ Each school ~~district~~ shall have in effect a ~~safe~~

20 school plan for each school in the school district.
NOTE: Requires each school ~~district~~ to have in effect a ~~safe~~ school plan for each
school in the school district. Under the effective date provisions of this ~~draft~~, this
requirement takes effect on the first day of the ~~1st~~ month beginning after publication of
the act.

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

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1 118.16 (1m) The period during which a pupil is absent from school due to a
2 suspension or expulsion under s. 120.13[✓] or 119.25[✓] is neither an absence without an
3 acceptable excuse for the purposes of sub. (1) (a)[✓] nor an absence without legal cause
4 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".[✓]

5 SECTION 11. 118.175[✓] of the statutes is created to read:

6 118.175 Pupils without parents or guardians; report required. (1) This
7 section does not apply to a pupil who is a child[✓] who has a legal custodian, as defined
8 in s. 48.02 (11)[✓] or 938.02 (11)[✓], or ^{who} is cared for by a kinship care relative under s. 48.57
9 (3m)[✓] (a)[✓] 46.22[✓] or 46.23[✓]

10 (2) If a pupil is a child who is without a parent or guardian under s. 48.13(1),
11 any school teacher, school administrator, school counselor or school social worker
12 who knows that the child is without a parent or guardian shall report that fact as
13 soon as possible to the county department under s. 48.02 (2g)[✓] or, in a county having
14 a population of 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
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.

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INSERT 12-15 FROM PREVIOUS PAGE.

15 SECTION 12. 120.13 (1) (b) of the statutes is amended to read:

16 120.13 (1) (b) The school district administrator or any principal or teacher
17 designated by the school district administrator also may make rules, with the
18 consent of the school board, and may suspend a pupil for not more than 5 school days
19 or, if a notice of expulsion hearing has been sent under par. (c) 4[✓] or (e) 4[✓] or s. 119.25
20 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with

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

1 paragraph shall not be denied the opportunity to take any quarterly, semester or
2 grading period examinations or to complete course work missed during the
3 suspension period, as provided in the attendance policy established under s. 118.16
4 (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.

5 SECTION 13. 120.13 (1) (c) 1. of the statutes is amended to read:

6 120.13 (1) (c) 1. The school board may expel a pupil from school whenever it
7 finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a
8 pupil knowingly conveyed or caused to be conveyed any threat or false information
9 concerning an attempt or alleged attempt being made or to be made to destroy any
10 school property by means of explosives, or finds that the pupil engaged in conduct
11 while at school or while under the supervision of a school authority ~~which~~ ^{that}
12 endangered the property, health or safety of others, or finds that a pupil while not
13 at school or while not under the supervision of a school authority engaged in conduct
14 ~~which~~ ^{that} endangered the property, health or safety of others at school or under the
15 supervision of a school authority or endangered the property, health or safety of any
16 employe or school board member of the school district in which the pupil is enrolled,
17 and is satisfied that the interest of the school demands the pupil's expulsion. In this
18 subdivision, conduct ^{not} which endangers a person or property includes making a threat
19 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.

1 SECTION 14. 121.15 (3m) (a) 2. of the statutes is amended to read:

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

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

7 SECTION 15. 165.72 (title) of the statutes is amended to read:

8 165.72 (title) **Controlled Dangerous weapons or criminal activity in**
9 **schools and ^{hot line;} controlled substances hotline and rewards for controlled**
10 **substances tips.**

11 SECTION 16. 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

12 SECTION 17. 165.72 (1) (ad) of the statutes is created to read:

13 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

15 165.72 (2) HOTLINE. (intro.) The department of ^{justice} shall maintain a single
16 toll-free telephone number during normal retail business hours, as determined by
17 departmental rule, for ~~both~~ all of the following:

18 SECTION 19. 165.72 (2) (c) of the statutes is created to read:

19 165.72 (2) (c) For persons to anonymously provide information regarding
20 dangerous weapons or criminal activity in public or private schools.

21 SECTION 20. 165.72 (2g) of the statutes is created to read:

1 165.72 (2g) AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS
 2 IN SCHOOLS. If a call is made ^{outside of} ~~after~~ normal retail business hours to the telephone
 3 number maintained under sub. (2), the department ~~of justice~~ shall provide for the call
 4 to be received by a telephone answering system or service. The telephone answering
 5 system or service shall provide a recorded message that requests the person calling
 6 to call the telephone number "911" or a local law enforcement agency if the person
 7 is calling to provide information regarding dangerous weapons or criminal activity
 8 in a school.

9 SECTION 21. 165.72 (2m)¹ of the statutes is created to read:

10 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN
 11 SCHOOLS. Immediately upon receiving any information under sub. (2) (c)¹ regarding
 12 dangerous weapons or criminal activity in a school, or immediately at the beginning
 13 of the next retail business day if the information is not received during normal retail
 14 business hours, the department ~~of justice~~ shall provide the information to all of the
 15 following:

16 (a) The administration of the school.

17 (b) The appropriate law enforcement agency, ^{as defined in s. 165.83(1)(b)} ~~as defined in s. 165.83(1)(b)~~ for
 18 the municipality in which the school is located.

19 SECTION 22. 165.72 (7)¹ of the statutes is amended to read:

20 165.72 (7) PUBLICITY. The department shall cooperate with the department of
 21 public instruction in publicizing, in public and private schools, the use of the toll-free
 22 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 anonymously provide information regarding dangerous weapons or criminal activity in public or private schools. DOJ must provide a telephone answering system to receive calls after normal business hours ~~which that~~ provides a message to tell callers to call "911" or a local law enforcement agency if the

outside of

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.

1 SECTION 23. 895.035 (4) of the statutes is amended to read:

2 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
3 943.51, the maximum recovery under this section from any parent or parents may not exceed the
4 amount specified in s. 799.01 (1) (d) for damages resulting from any one act of a
5 juvenile in addition to taxable costs and disbursements and reasonable attorney fees,
6 as determined by the court. If 2 or more juveniles in the custody of the same parent
7 or parents commit the same act the total recovery under this section may not exceed the amount
8 specified in s. 799.01 (1) (d), in addition to taxable costs and disbursements. The
9 maximum recovery from any parent or parents for retail theft by their minor child
10 is established under s. 943.51.

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

11 SECTION 24. 895.035 (4a) of the statutes is created to read:

12 895.035 (4a) (a) For damages caused by ~~a public school district or private~~ ^{the} ~~school~~ ^{board} by any of the following ~~actions of the~~ ^{actions of the} ~~board~~ ^{board} (a governing body of a private ~~school~~ ^{a minor} school district) or school from any parent or parents with custody of the child may not
13 exceed \$20,000 for damages resulting from any one act of the child in addition to
14 taxable costs and disbursements and reasonable attorney fees, as determined by the
15 court.

16
17
18 1. An act or threat ~~which~~ ^{that} endangers the property, health or safety of ~~any~~ ^{persons} at
19 ~~the~~ ^{the} school or under the supervision of a school authority or ~~endangers~~ ^{that damages} the property of a
20 school, ~~district or school and which~~ ^{board} results in a substantial disruption of a school day
21 or a school activity.

a governing body of a under this section

the governing body of a private

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

3 (b) In addition to other recoverable damages, damages under par. (a) may
4 include the cost to the school ~~district~~^{board} or school in loss of instructional time directly
5 resulting from the ~~deliberate~~^{action} of the minor child under par. (a).

6 (c) If 2 or more minor children in the custody of the same parent or parents
7 ~~commit~~^{are involved in} the same ~~act~~^{action under par. (a)}, the total recovery may not exceed \$20,000, in addition to
8 taxable costs, disbursements and reasonable attorney fees, as determined by the
9 court.

NOTE: Increases, from \$5,000 to \$20,000, the maximum dollar amount for parental liability for acts of minor children for certain violence-related costs ^{that} ~~which~~ cause damages to a public school district or a private school.

10 SECTION 25. 947.017 of the statutes is created to read:

11 **947.017 Threat to cause death, bodily harm or property damage. (1)**

12 In this section, "governmental unit" means the United States, this state or one of its
13 political subdivisions, an instrumentality or corporation of any of the foregoing or a
14 combination or subunit of any of the foregoing.

15 (2) A person is guilty of a Class E felony if the person threatens to use a
16 dangerous weapon or explosives to cause death, bodily harm or property damage in
17 or on the premises of a structure owned, occupied or controlled by a governmental
18 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
19 defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or explosives to cause death, bodily harm or property damage in or on the premises of a structure owned, occupied or controlled by a governmental unit, a school or an institution of higher education.

20 ~~SECTION 26. Nonstatutory provisions.~~

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SEC# 1999 - 2000 Legislature
CR: 115.28(42) ✓

FEDERAL FUNDS FOR SCHOOL SAFETY.

1 ^{115.28(42) W/M} The department of justice, ~~and the department of public instruction~~ shall

2 aggressively seek and apply for federal funds relating to school safety and reducing

3 violence and disruption in schools, including funds for alternative schools or

4 programs. Each department shall make a report by January 1, 2001, and January

5 1, 2003, of its progress in applying for and obtaining funds under this section. The

6 report shall be provided ^{under 5.13.172(2) ✓} to the legislature ~~in the manner provided under section~~

7 ~~13.172(2) of the statutes~~, to the cochairpersons of the joint committee on finance and

8 to the governor.

NOTE: Requires ^e the DOJ and ^e the DPI ^{to} aggressively 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.

9 **SECTION 27. Effective date.** This act takes effect on the day after publication,

10 except as follows:

11 (1) The ^{STET treatment} creation of section ~~115.115~~ ^{120.12(26) ✓} of the statutes takes effect on the first day

12 of the 6th month beginning after publication.

NOTE: Requires school ^{boards} districts to have school safety plans in effect on the first day of the 6th month following publication of the act. All other provisions of the act take effect on the day after publication.

13 **SECTION 28. Initial applicability.**

14 (1) The treatment of section 115.38 (1)(b) of the statutes ^{and the creation of section 115.38(1)(bm)} first ⁴ applies to reports

15 required, under section 115.38 (2) of the statutes, to be distributed by January 1,

16 2002.

NOTE: Provides that the first school performance report, which must contain the additional information related to suspensions and expulsions required under this ~~act~~ is the report ^{that} which must be filed by January 1, 2002. ^{bill}

17 (END)

INVS 12-14

Section #. 119.04 (1) of the statutes is amended to read:

as affected by
1997 Wisconsin
Act 77,

(26)

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

NOTE: Sub. (1) is shown as affected by four acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). Sub. (1) is amended eff. 9-1-99 by 1997 Wis. Act 77 to read:

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

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; s. 13.93 (2) (c).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3176/P1dn

EMM.....

why
some minor,
technical
changes

Jane:

This draft incorporates the changes to Section 8 of the bill that you and I discussed, ^{CS} Please note that Bob Nelson made some changes to the wording of Section 24 of the bill. ^{CS}

MJL

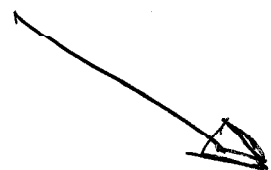
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This draft makes the following changes to s. 118.175, as created by the draft:

1. The draft deletes "who is a child". If a pupil has a legal custodian, as defined in s. 48.02 (11) or 938.02 (11), that pupil must necessarily be a child.
2. The draft deletes "under s. 48.57 (3m)" and substitutes "as defined in s. 48.57 (3m) (a)". "Under s. 48.57 (3m)" might imply that the relative must be receiving kinship care payments, which is not the point of the provision; rather, the point of the provision is that the child is receiving from care from a relative. A relative who is listed in the kinship care relative definition may care for a child without receiving kinship care payments.
3. The draft deletes "under s. 48.13 (1)". "Under s. 48.13 (1)" is redundant in that s. 48.13 (1) says nothing more than what the preceding language says, that is, that the child is without a parent or guardian. Moreover, "under s. 48.13 (1)" might imply that the pupil has been found to be in need of protection or services, in which case the entire provision would be a nullity in that the county department would already know that the pupil is without a parent or guardian.
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If you would like to discuss any of these changes, please do not hesitate to contact me directly.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1104/1dn
MGD&JEO:cmh:kjf

June 24, 1999

Jane:

Note that proposed s. 947.017 does not cover charter schools or privately owned buildings in which private persons operate Head Start or other preschool programs. If you want to cover either or both of these types of places, you may want to consider using language like that contained in SB-191.

Michael G. Dsida
Legislative Attorney
Phone: (608) 266-9867

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3176/P1dn
ML/GM/MD/JO:wlj:jf

August 27, 1999

Jane:

This draft incorporates the changes to SECTION 8 of the bill that you and I discussed, as well as some minor, technical changes. Please note that Bob Nelson made some changes to the wording of SECTION 24 of the bill.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

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CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

LEGISLATIVE COUNCIL STAFF
ONE EAST MAIN STREET, SUITE 401
P.O. BOX 2536
MADISON, WI 53701-2536
TELEPHONE: (608) 266-1304
FAX: (608) 266-3830
EMAIL: leg.council@legis.state.wi.us

DATE: August 30, 1999
TO: MADELON J. LIEF, LEGISLATIVE REFERENCE BUREAU
FROM: Jane R. Henkel, Deputy Director
SUBJECT: Changes to LRB-3176/P1, Relating to School Discipline and Safety

Please make the following changes to LRB-3176/P1, relating to school discipline and safety:*

- MJL ✓ 1. On page 9, line 3, substitute "expulsions" for "expulsion". (This change will make the language consistent with that used in the next clause of that paragraph.)
- MJL ✓ 2. On page 9, line 22, replace "under" with "as described in". (The purpose of this change is to avoid any implication that the Families and Schools Together Program must be receiving aid under s. 115.361 (3) (a), Stats.)
- GMM ✓ 3. On page 12, line 8, delete "as defined in" and substitute "under". In addition, on line 9, after "(a)", insert ", or a long-term kinship care relative, under s. 48.57 (3n)".
- MJL ✓ 4. In s. 119.04 (1), Stats., as amended on page 12, line 17 to page 13, line 4, add references to ss. 115.455 and 118.175. (An amendment to s. 119.44 is not necessary. The Milwaukee Public Schools is required to prepare the school district performance report under current law. See the cross-reference in ss. 115.38 (2) to 119.04 (1).)
- MJL ✓ 5. Insert a note following SECTION 12 (page 13, after line 4), which reads as follows:
- Note:** Ensures that all provisions of the bill apply to the Milwaukee Public Schools.
6. On page 13, line 6, and in the note following SECTION 13, substitute "SAFE SCHOOL PLANS" and "safe school plan" for "SCHOOL SAFETY PLANS" and two occurrences of "school safety plan". (I have been informed that, to persons in the educational community, "school safety plan" is used to refer to a plan for responding to fires, tornadoes, etc. A "safe school plan" is commonly used to refer to a plan for keeping a school safe from disruptions caused by pupils and other persons.)

*A marked up copy of the draft is attached. If you, Bob Nelson, Gordon Malaise, Mike Dsdida or Jefren Olsen have any questions regarding the requested changes, please call me directly at 6-3370.

Please make your changes to file copy of draft, not to Jane's marked up copy.

7 On page 18, lines 9, 10, 11, 14 and 19, substitute "school district or private school" for references to "school board or a governing body of a private school". (The property belongs to, and damages may be incurred by, the school district, not the school board. See, for example, ss. 120.10 (12) and 120.12 (1), Stats., which refer to the property of the school district. I can find no references in current law to property of the school board or governing body of a private school.)

8. On page 18, line 13, substitute "endangers" for "damages". (This provision describes activities such as "bomb threats". Damaged property is covered by the references on page 18, lines 16 and 17.)

To correspond to these changes and other minor changes you have made to the draft, the following changes need to be made to the Prefatory Note to the draft:

MSL ✓ 1. In the heading and last paragraph on the bottom of page 2, "Safe School Plans" and "safe school plan" should be substituted for "School Safety Plans" and "school safety plan", respectively.

✓ 2. The second sentence of the first paragraph on page 4 should begin as follows: "Under the bill, for damages caused to a school district or private school by"

✓ 3. In item 1. on the top of page 4, "school district or private school" should be substituted for "school board or governing body of a private school".

✓ 4. In the paragraph following item 1. e. on the top of page 4, "the school district's or school's" should be substituted for "its".

GMM ✓ 5. At the end of the paragraph in the middle of page 4, relating to reporting of a pupil without a parent or guardian, insert the following: ", or a long-term kinship care relative under s. 48.57 (3n), Stats.". Also, to correspond to the language in the draft, "have in effect" should be substituted for "implement".

MSL ✓ 6. Replace the last paragraph on page 4 with the following: "This bill specifies that, in addition to the numbers of expulsions and suspensions, the school or school district performance report must include all of the following:"

MSL ✓ 7. In item 3. on the top of page 5, delete "periods of expulsion" and substitute "expulsions".

MSL ✓ 8. In item 4. on the top of page 5, delete "periods of".

legally sufficient

Thanks.

JRH:tlu:ksm;wu

Attachment

TC w/ Jane Henkel 8/31 - Wanted to make clear that while school board + gov. body of private school are legal entities that can recover damage, Stats. should speak in terms of damage to school dist. or private school. I said I couldn't say with certainty if this was correct, but it seemed

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3176/P1dn
ML/GM/MD/JO:wlj/jf

August 27, 1999

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See edit

ok

Also - add kinship care

ok

ok

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3176/P1
ML/GM/MD/JO/RN:wljf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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
15 of a person or making a threat to damage property; suspension and expulsion

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

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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 Safety Plans~~

safe This bill creates a requirement that each school district in the state implement a school safety 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.

have in effect

7

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 employee 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.

Handwritten: school public district or

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 board or to the property of the governing body of a 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 \$20,000:

X L

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

dubious

stat

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 its cost in loss of instructional time directly resulting from the act of the minor child.

the school district is a school

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 under s. 48.02 (11), stats., or is cared for by a kinship care relative under s. 48.57 (3m), stats.

Suspension and Expulsion Data in School Performance Report

under s. 48.59 (3a) stat.

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 other indicators of school and school district performance must include all of the following:

X

report

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 ~~periods of expulsion.~~ [§]
4. The educational programs and services, if any, provided to pupils during their ~~periods of 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.

KAT
T

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 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

1 improving school safety and reducing discipline problems in schools and at school
2 activities.

NOTE: Directs the Board of Regents of the UW System 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.

3 SECTION 4. 38.04 (27) of the statutes is created to read:

4 38.04 (27) SCHOOL SAFETY RESEARCH. The board shall work with schools of
5 education and other departments of the University of Wisconsin System under s.
6 36.11 (36), school districts, private schools and the department of public instruction
7 to present to school districts and private schools the results of research on models for
8 and approaches to improving school safety and reducing discipline problems in
9 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.

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

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

1 the state superintendent; the length of time for which pupils are expelled, reported
 2 according to categories specified by the state superintendent; whether pupils return
 3 to school after their expulsion; ^S the educational programs and services, if any,
 4 provided to pupils during their expulsions, reported according to categories specified
 5 by the state superintendent; the schools attended by pupils who are suspended or
 6 expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
 7 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.

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

9 **115.455 Grants for reducing violence and disruption.** (1) A school board
 10 or board of control of a cooperative educational service agency may apply to the
 11 department for a grant under this section to implement a comprehensive prevention
 12 and intervention plan for reducing violence and disruption in schools. The
 13 application shall include all of the following:

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

- 18 1. Alternative educational programs and services for disruptive pupils or
- 19 pupils who have been suspended or expelled.
- 20 2. Coordination with integrated services programs under s. 46.56.
- 21 3. Alternatives to suspension or expulsion. *as described in*
- 22 4. Families and schools together programs under s. 115.361 (3) (a).
- 23 5. Before-school and after-school activities.

04 1 6. Conflict resolution.

2 7. Direct instruction programs or other research-based instruction programs

04 3 whose skill development and cognition results equal those of direct instruction.

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

01 5 9. Professional staff development classes on managing classrooms, identifying

04 6 pupils who and situations that may become violent, preventing violence and

7 identifying and communicating with those state and local agencies that can assist

8 in providing services or responses to pupils and situations described in this

9 subdivision.

10 (b) A description of how the success of the plan in reducing violence and

01 11 disruption in school will be evaluated.

12 (c) A description of how activities funded by and funding received under the

13 grant will be coordinated with activities funded by and funding received under any

14 federal grants received for similar activities.

15 (d) A description of the persons who were involved in developing the plan and

16 the programs or services with which activities under the plan will be coordinated.

17 (2) The department may not award a grant under this section to a school board

18 or cooperative educational service agency unless the following persons are involved

01 19 in developing the plan under sub. (1) and unless activities under the plan are

20 coordinated with the programs and services of the following persons, as appropriate:

21 (a) Parents.

22 (b) The county departments responsible for human services, social services,

23 mental health, alcohol and drug abuse services, developmental disabilities and child

24 welfare services under ss. 46.21, 46.215, 46.22, 46.23, 48.56, 51.42 and 51.437 and

1 personnel from the department of health and family services who are responsible for
2 child welfare services in Milwaukee County, as provided in s. 48.561.

3 (c) Local public health agencies.

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

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

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

10 (g) Law enforcement agencies.

11 (h) Courts.

12 (3) The department shall pay grants under this section in 3 annual instalments
13 from the appropriation under s. 20.255 (2) (e). No school board or board of control
14 of a cooperative educational service agency may be awarded, in any fiscal year, more
15 than 10% of the amount appropriated in s. 20.255 (2) (e). The department shall
16 distribute grants among small, medium and large school districts, based on
17 enrollments. As a condition of receiving a grant, a school board or board of control
18 of a cooperative educational service agency shall provide matching funds in an
19 amount equal to at least 25% of the amount of its grant in the first year of the grant,
20 50% of the amount of its grant in the 2nd year of the grant and 75% of the amount
21 of its grant in the 3rd year of the grant. The matching funds may be from local,
22 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.

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

1 118.16 (1m) The period during which a pupil is absent from school due to a
2 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an
3 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause
4 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".

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

6 **118.175 Pupils without parents or guardians; report required.** (1) This
7 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)
8 or 938.02 (11), or who is cared for by a kinship care relative, as defined ^{under} in s. 48.57 (3m)
9 (a) or a long-term kinship care relative, under s. 48.57 (3n).

10 (2) If a pupil is a child who is without a parent or guardian, any school teacher,
11 school administrator, school counselor or school social worker who knows that the
12 child is without a parent or guardian shall report that fact as soon as possible to the
13 county department under s. 46.22 or 46.23 or, in a county having a population of
14 500,000 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.

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

17 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
18 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
19 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,
20 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19.

115.455

118.125

1 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30
2 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),
3 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a
4 1st class city school district and board.

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

6 120.12 (26) SCHOOL SAFETY PLANS. Have in effect a ^{safe} school safety plan for each
7 school in the school district. X

NOTE: Requires each school board to have in effect a ^{safe} school safety 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. X

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

9 120.13 (1) (b) The school district administrator or any principal or teacher
10 designated by the school district administrator also may make rules, with the
11 consent of the school board, and may suspend a pupil for not more than 5 school days
12 or, if a notice of expulsion hearing has been sent under par. (c) 4, or (e) 4. or s. 119.25
13 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
14 such rules or school board rules, or for knowingly conveying any threat or false
15 information concerning an attempt or alleged attempt being made or to be made to
16 destroy any school property by means of explosives, for conduct by the pupil while
17 at school or while under the supervision of a school authority ~~which~~ that endangers
18 the property, health or safety of others, or for conduct while not at school or while not
19 under the supervision of a school authority ~~which~~ that endangers the property,
20 health or safety of others at school or under the supervision of a school authority or
21 endangers the property, health or safety of any employe or school board member of
22 the school district in which the pupil is enrolled. In this paragraph, conduct that
23 endangers a person or property includes making a threat to the health or safety of

1 a person or making a threat to damage property. Prior to any suspension, the pupil
2 shall be advised of the reason for the proposed suspension. The pupil may be
3 suspended if it is determined that the pupil is guilty of noncompliance with such rule,
4 or of the conduct charged, and that the pupil's suspension is reasonably justified. The
5 parent or guardian of a suspended minor pupil shall be given prompt notice of the
6 suspension and the reason for the suspension. The suspended pupil or the pupil's
7 parent or guardian may, within 5 school days following the commencement of the
8 suspension, have a conference with the school district administrator or his or her
9 designee who shall be someone other than a principal, administrator or teacher in
10 the suspended pupil's school. If the school district administrator or his or her
11 designee finds that the pupil was suspended unfairly or unjustly, or that the
12 suspension was inappropriate, given the nature of the alleged offense, or that the
13 pupil suffered undue consequences or penalties as a result of the suspension,
14 reference to the suspension on the pupil's school record shall be expunged. Such
15 finding shall be made within 15 days of the conference. A pupil suspended under this
16 paragraph shall not be denied the opportunity to take any quarterly, semester or
17 grading period examinations or to complete course work missed during the
18 suspension period, as provided in the attendance policy established under s. 118.16
19 (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.

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

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

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

16 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
17 20.255 (2), other than s. 20.255 (2) ~~(e)~~, (fm), (fu), (k) and (m), and under ss. 20.275
18 (1) (d), (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids
19 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational
20 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.

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

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

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

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

7 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

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

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

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

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

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

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

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

7 (a) The administration of the school.

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

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

11 **165.72 (7) PUBLICITY.** The department shall cooperate with the department of
12 public instruction in publicizing, in public and private schools, the use of the toll-free
13 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.

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

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

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1 same parent or parents commit the same act the total recovery under this section
2 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
3 and disbursements. The maximum recovery from any parent or parents for retail
4 theft by their minor child is established under s. 943.51.

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

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

6 895.035 (4a) (a) The maximum recovery under this section by a school board
7 or a governing body of a private school from any parent or parents with custody of

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

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

16 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
17 947.015.

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

21 (a).

22 (c) If 2 or more minor children in the custody of the same parent or parents are
23 involved in the same action under par. (a), the total recovery may not exceed \$20,000,

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1 in addition to taxable costs, disbursements and reasonable attorney fees, as
2 determined by the court.

NOTE: Increases, from \$5,000 to \$20,000, 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.

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

4 **947.017 Threat to cause death, bodily harm or property damage. (1)**

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

8 (2) A person is guilty of a Class E felony if the person threatens to use a
9 dangerous weapon or explosives to cause death, bodily harm or property damage in
10 or on the premises of a structure owned, occupied or controlled by a governmental
11 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
12 defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or explosives to cause death, bodily harm or property damage in or on the premises of a structure owned, occupied or controlled by a governmental unit, a school or an institution of higher education.

13 **SECTION 28. Effective date.** This act takes effect on the day after publication,
14 except as follows:

15 (1) The creation of section 120.12 (26) of the statutes takes effect on the first
16 day of the 6th month beginning after publication.

NOTE: Requires school boards to have school safety plans in effect on the first day of the 6th month following publication of the act. All other provisions of the act take effect on the day after publication.

17 **SECTION 29. Initial applicability.**

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1 (1) The treatment of section 115.38 (1) (b) of the statutes and the creation of
2 section 115.38 (1) (bm) first apply to reports required, under section 115.38 (2) of the
3 statutes, to be distributed by January 1, 2002.

NOTE: Provides that the first school performance report which must contain the
additional information related to suspensions and expulsions required under this bill, is
the report that must be filed by January 1, 2002.

4

(END)

Note: 9/1

Talked to Jane H. regarding using the term "endangers" with "property." She prefers that term - to cover threats to property, such as bomb threats. I would prefer using "threat of damage" to property. I drafted language which she approved, to replace p. 18, lines 12-15.

RJR

Memo

To: MJL
From: JEO, MGD, RPN, GMM
Subject: Redraft of LRB-3176/P1
Date: August 31, 1999

Please review Jane Henkel's proposed changes to LRB-3176/P1 as they pertain to your drafting area and redraft your portions of LRB-3176/P1, including the Notes, accordingly. Jane told me that she needs an introducible draft soon, so if you don't think you can complete your portion of the redraft before Tuesday, September 7th, you should let Jane know. When you have completed your work, forward the hard and electronic versions of the draft to the next person. The last person should forward the draft to editing; please let me know when you have done so.

Thanks.

MJL ✓
JEO ✓
MGD ✓
GMM ✓
RPN ✓

} Jane did not make any changes to your portions. Her written comment to your drafter's note, however, suggests that she disagrees with the note. (See marked up Jane's copy.)

TO EDITING after last person



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3176/12
ML/GM/MD/JO/RN:wlj/jf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Redraft make run

all

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Reger

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
15 of a person or making a threat to damage property; suspension and expulsion

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

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the ~~Joint Legislative Council~~ in the bill.

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
Review Plans~~

~~This bill creates a requirement that each school district in the state implement a school safety 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.~~

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 board or to the property of the governing body of a 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 \$20,000:

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

X

that is intended to damage

district

or persons at school or under the supervision of a school authority

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 school districts or private schools

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

X
STET

district

STET

as defined in

Reporting a Pupil Without a Parent or Guardian

who

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 under s. 48.02 (11), stats., or 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 (3m), 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 other indicators of school and school district performance must include all of the following:

report

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.

X 3. Whether pupils return to school after their ~~periods~~^S of expulsion.

X 4. The educational programs and services, if any, provided to pupils during their ~~periods~~ of 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 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

1 improving school safety and reducing discipline problems in schools and at school
2 activities.

NOTE: Directs the Board of Regents of the UW System 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.

3 **SECTION 4.** 38.04 (27) of the statutes is created to read:

4 38.04 (27) SCHOOL SAFETY RESEARCH. The board shall work with schools of
5 education and other departments of the University of Wisconsin System under s.
6 36.11 (36), school districts, private schools and the department of public instruction
7 to present to school districts and private schools the results of research on models for
8 and approaches to improving school safety and reducing discipline problems in
9 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.

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

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

1 all requirements of the federal department of health and human services for
2 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%.

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

4 115.28 (42) FEDERAL FUNDS FOR SCHOOL SAFETY. The department of justice,
5 aggressively seek and apply for federal funds relating to school safety and reducing
6 violence and disruption in schools, including funds for alternative schools or
7 programs. Each department shall make a report by January 1, 2001, and January
8 1, 2003, of its progress in applying for and obtaining funds under this section. The
9 report shall be provided under s. 13.172 (2) to the legislature, to the cochairpersons
10 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.

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

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

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

20 115.38 (1) (bm) The numbers of suspensions and expulsions; the reasons for
21 which pupils are suspended or expelled, reported according to categories specified by

1 the state superintendent; the length of time for which pupils are expelled, reported
2 according to categories specified by the state superintendent; whether pupils return
3 to school after their expulsion; the educational programs and services, if any,
4 provided to pupils during their expulsions, reported according to categories specified
5 by the state superintendent; the schools attended by pupils who are suspended or
6 expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
7 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.

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

9 **115.455 Grants for reducing violence and disruption.** (1) A school board
10 or board of control of a cooperative educational service agency may apply to the
11 department for a grant under this section to implement a comprehensive prevention
12 and intervention plan for reducing violence and disruption in schools. The
13 application shall include all of the following:

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

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

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

21 3. Alternatives to suspension or expulsion.

22 4. Families and schools together programs ~~under~~ s. 115.361 (3) (a). *as described in*

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

1 6. Conflict resolution.

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

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

5 9. *Professional staff development classes on managing classrooms, identifying*
6 *pupils who and situations that may become violent, preventing violence and*
7 *identifying and communicating with those state and local agencies that can assist*
8 *in providing services or responses to pupils and situations described in this*
9 *subdivision.*

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

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

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

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

21 (a) Parents.

22 (b) The county departments responsible for human services, social services,
23 mental health, alcohol and drug abuse services, developmental disabilities and child
24 welfare services under ss. 46.21, 46.215, 46.22, 46.23, 48.56, 51.42 and 51.437 and

1 personnel from the department of health and family services who are responsible for
2 child welfare services in Milwaukee County, as provided in s. 48.561.

3 (c) Local public health agencies.

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

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

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

10 (g) Law enforcement agencies.

11 (h) Courts.

12 (3) The department shall pay grants under this section in 3 annual instalments
13 from the appropriation under s. 20.255 (2) (e). No school board or board of control
14 of a cooperative educational service agency may be awarded, in any fiscal year, more
15 than 10% of the amount appropriated in s. 20.255 (2) (e). The department shall
16 distribute grants among small, medium and large school districts, based on
17 enrollments. As a condition of receiving a grant, a school board or board of control
18 of a cooperative educational service agency shall provide matching funds in an
19 amount equal to at least 25% of the amount of its grant in the first year of the grant,
20 50% of the amount of its grant in the 2nd year of the grant and 75% of the amount
21 of its grant in the 3rd year of the grant. The matching funds may be from local,
22 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.

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

SECTION 10

1 118.16 (1m) The period during which a pupil is absent from school due to a
2 suspension or expulsion under s. 120.13 or 119.25 is neither an absence without an
3 acceptable excuse for the purposes of sub. (1) (a) nor an absence without legal cause
4 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".

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

6 **118.175 Pupils without parents or guardians; report required.** (1) This
7 section does not apply to a pupil who has a legal custodian, as defined in s. 48.02 (11)
8 or 938.02 (11), or who is cared for by a kinship care relative, as defined in s. 48.57 (3m)

9 *or a long-term kinship care relative under s. 48.57 (3m) ✓*

10 (2) If a pupil is a child who is without a parent or guardian, any school teacher,
11 school administrator, school counselor or school social worker who knows that the
12 child is without a parent or guardian shall report that fact as soon as possible to the
13 county department under s. 46.22 or 46.23 or, in a county having a population of
14 500,000 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.

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

17 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
18 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
19 (2), 115.45, ^{115.455} 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, ✓
20 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, ^{118.175} 118.18, 118.19, ✓

1 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30
2 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),
3 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a
4 ^{CS} 1st class city school district and board.

* → NOTE: Ensures that all provisions of the bill apply to the Milwaukee Public Schools.
5 = SECTION 13. 120.12 (26) of the statutes is created to read: =

6 120.12 (26) ~~SCHOOL SAFETY PLANS~~ ^{SAFE SCHOOL} ^{CS} PLANS. Have in effect a ~~school safety~~ ^{safe school} plan for each
7 school in the school district.

NOTE: Requires each school board to have in effect a ~~school safety~~ ^{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.

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

9 120.13 (1) (b) The school district administrator or any principal or teacher
10 designated by the school district administrator also may make rules, with the
11 consent of the school board, and may suspend a pupil for not more than 5 school days
12 or, if a notice of expulsion hearing has been sent under par. (c) 4, or (e) 4, or s. 119.25
13 (2) (c), for not more than a total of 15 consecutive school days for noncompliance with
14 such rules or school board rules, or for knowingly conveying any threat or false
15 information concerning an attempt or alleged attempt being made or to be made to
16 destroy any school property by means of explosives, for conduct by the pupil while
17 at school or while under the supervision of a school authority ~~which that~~ endangers
18 the property, health or safety of others, or for conduct while not at school or while not
19 under the supervision of a school authority ~~which that~~ endangers the property,
20 health or safety of others at school or under the supervision of a school authority or
21 endangers the property, health or safety of any employe or school board member of
22 the school district in which the pupil is enrolled. In this paragraph, conduct that
23 endangers a person or property includes making a threat to the health or safety of

1 a person or making a threat to damage property. Prior to any suspension, the pupil
2 shall be advised of the reason for the proposed suspension. The pupil may be
3 suspended if it is determined that the pupil is guilty of noncompliance with such rule,
4 or of the conduct charged, and that the pupil's suspension is reasonably justified. The
5 parent or guardian of a suspended minor pupil shall be given prompt notice of the
6 suspension and the reason for the suspension. The suspended pupil or the pupil's
7 parent or guardian may, within 5 school days following the commencement of the
8 suspension, have a conference with the school district administrator or his or her
9 designee who shall be someone other than a principal, administrator or teacher in
10 the suspended pupil's school. If the school district administrator or his or her
11 designee finds that the pupil was suspended unfairly or unjustly, or that the
12 suspension was inappropriate, given the nature of the alleged offense, or that the
13 pupil suffered undue consequences or penalties as a result of the suspension,
14 reference to the suspension on the pupil's school record shall be expunged. Such
15 finding shall be made within 15 days of the conference. A pupil suspended under this
16 paragraph shall not be denied the opportunity to take any quarterly, semester or
17 grading period examinations or to complete course work missed during the
18 suspension period, as provided in the attendance policy established under s. 118.16
19 (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.

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

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

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

16 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
17 20.255 (2), other than s. 20.255 (2) ~~(e)~~, (fm), (fu), (k) and (m), and under ss. 20.275
18 (1) (d), (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids
19 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational
20 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.

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

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

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

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

7 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

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

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

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

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

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

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

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

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

7 (a) The administration of the school.

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

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

11 165.72 (7) PUBLICITY. The department shall cooperate with the department of
12 public instruction in publicizing, in public and private schools, the use of the toll-free
13 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.

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

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

1 same parent or parents commit the same act the total recovery under this section
2 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
3 and disbursements. The maximum recovery from any parent or parents for retail
4 theft by their minor child is established under s. 943.51.

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

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

6 895.035 (4a) (a) The maximum recovery under this section by a school board ^{STET} ~~board~~ ^{district} ~~or~~
7 or a governing body ^{STET} ~~of a~~ private school from any parent or parents with custody of
8 a minor child may not exceed \$20,000 for damages resulting from any one act of the
9 minor child in addition to taxable costs and disbursements and reasonable attorney
10 fees, as determined by the court, for damages caused to the school ^{district} ~~board~~ or ~~or~~

11 ~~property of a~~ private school by any of the following actions of the minor child:

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

↓
Insert 18-B →

16 3. ~~2.~~ An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
17 947.015.

18 (b) In addition to other recoverable damages, damages under par. (a) may
19 include the cost to the school ^{district} ~~board~~ or the ~~governing body of a~~ private school in loss
20 of instructional time directly resulting from the action of the minor child under par.

21 (a).

22 (c) If 2 or more minor children in the custody of the same parent or parents are
23 involved in the same action under par. (a), the total recovery may not exceed \$20,000,

1 in addition to taxable costs, disbursements and reasonable attorney fees, as
2 determined by the court.

NOTE: Increases, from \$5,000 to \$20,000, 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.

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

4 **947.017 Threat to cause death, bodily harm or property damage. (1)**

5 In this section, "governmental unit" means the United States, this state or one of its
6 political subdivisions, an instrumentality or corporation of any of the foregoing or a
7 combination or subunit of any of the foregoing.

8 (2) A person is guilty of a Class E felony if the person threatens to use a
9 dangerous weapon or explosives to cause death, bodily harm or property damage in
10 or on the premises of a structure owned, occupied or controlled by a governmental
11 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
12 defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or explosives to cause death, bodily harm or property damage in or on the premises of a structure owned, occupied or controlled by a governmental unit, a school or an institution of higher education.

13 **SECTION 28. Effective date.** This act takes effect on the day after publication,

14 except as follows:

15 (1) The ~~creation~~ ^{treatment} of section 120.12 (26) of the statutes takes effect on the first
16 day of the 6th month beginning after publication.

X

NOTE: Requires school boards to have ~~school safety~~ ^{safe schools} plans in effect on the first day of the 6th month following publication of the act. All other provisions of the act take effect on the day after publication.

17 **SECTION 29. Initial applicability.**

Ins. 20-A

of the statutes and (b)

1
2
3

(1) The treatment of section 115.38 (1) (b) of the statutes ~~and the creation of~~
~~section 115.38 (1) (b)~~ first ~~and~~ applies to reports required, under section 115.38 (2) of the
statutes, to be distributed by January 1, 2002.

NOTE: Provides that the first school performance report which must contain the additional information related to suspensions and expulsions required under this bill, is the report that must be filed by January 1, 2002.

4

(END)

Ins. 20-A

Insert 18-15

¶ 1. An act or threat
= that endangers the health
or safety of persons
at the 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. An act intended to, or
= a threat to
damage the property
of a school district, a
private school, or a
person at the school or
under the supervision of
a school authority,
that results in a substantial
disruption of a school day
or school activity.ⓐ

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Safe

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 09/03/1999

To: Legislative Council - JLC

Relating to LRB drafting number: LRB-3176

Topic

School safety

Subject(s)

Education - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Madelon J. Lief, Legislative Attorney
Telephone: (608) 267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3176/2
ML/GM/MD/JO/RN:wlj:kjf

To editing
9/23
Due TODAY

1999 BILL

R-M
run

See
changes on
p.p. 3, 17 & 18
jacket for introduction
in the Senate

Regan

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.

Analysis by the Legislative Reference Bureau

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

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.

BILLSuspension 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 ~~\$20,000~~:

\$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 1999-00 2000-01

2 **20.255 Public instruction, department of**

3 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

4 (e) Grants for reducing violence and

5 disruption GPR A 5,000,000 5,000,000

NOTE: Creates the appropriation schedule entry for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455 and the appropriation for the grants is created in s. 20.255 (2) (e).

6 **SECTION 2.** 20.255 (2) (e) of the statutes is created to read:

7 20.255 (2) (e) *Grants for reducing violence and disruption.* The amounts in the
8 schedule for grants to school boards and boards of control of cooperative educational
9 service agencies under s. 115.455.

NOTE: Creates the appropriation for grants for reducing violence and disruption in schools. The grant program is created in s. 115.455.

10 **SECTION 3.** 36.11 (36) of the statutes is created to read:

11 36.11 (36) SCHOOL SAFETY RESEARCH. The board shall direct the schools of
12 education and other appropriate research-oriented departments within the system,
13 to work with the technical college system board under s. 38.04 (27), school districts,
14 private schools and the department of public instruction to present to school districts
15 and private schools the results of research on models for and approaches to
16 improving school safety and reducing discipline problems in schools and at school
17 activities.

NOTE: Directs the Board of Regents of the UW System 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.

18 **SECTION 4.** 38.04 (27) of the statutes is created to read:

19 38.04 (27) SCHOOL SAFETY RESEARCH. The board shall work with schools of
20 education and other departments of the University of Wisconsin System under s.

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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 ~~\$20,000~~ for damages resulting from any one act of the
18 minor child in addition to taxable costs and disbursements and reasonable attorney

\$10,000

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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 ~~\$20,000~~^{\$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 ~~\$20,000~~^{\$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. X

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.

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1 (2) A person is guilty of a Class E felony if the person threatens to use a
2 dangerous weapon or explosives to cause death, bodily harm or property damage in
3 or on the premises of a structure owned, occupied or controlled by a governmental
4 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
5 defined in s. 108.02 (18).

NOTE: Creates a new felony for a threat to use a dangerous weapon or explosives to cause death, bodily harm or property damage in or on the premises of a structure owned, occupied or controlled by a governmental unit, a school or an institution of higher education.

6 **SECTION 28. Initial applicability.**

7 (1) The treatment of section 115.38 (1) (b) and (bm) of the statutes first applies
8 to reports required, under section 115.38 (2) of the statutes, to be distributed by
9 January 1, 2002.

NOTE: Provides that the first school performance report which must contain the additional information related to suspensions and expulsions required under this bill, is the report that must be filed by January 1, 2002.

10 **SECTION 29. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) The treatment of section 120.12 (26) of the statutes takes effect on the first
13 day of the 6th month beginning after publication.

NOTE: Requires school boards to have safe school plans in effect on the first day of the 6th month following publication of the act. All other provisions of the act take effect on the day after publication.

14

(END)