

2003 DRAFTING REQUEST

Bill

Received: 06/03/2003

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Steve Knudsen

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Open enrollment; victims of violent crimes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 06/03/2003	kgilfoy 06/04/2003		_____			
/P1	pgrant 06/05/2003	kgilfoy 06/05/2003	jfrantze 06/04/2003	_____	sbasford 06/04/2003		S&L
/1			rschluet	_____	mbarman	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/05/2003 _____		06/05/2003	06/05/2003	

FE Sent For:

AA intro.

<END>

2003 DRAFTING REQUEST

Bill

Received: **06/03/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 264-6970**

By/Representing: **Steve Knudsen**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Open enrollment; victims of violent crimes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 06/03/2003	kgilfoy 06/04/2003					
/P1	pgrant 06/05/2003	kgilfoy 06/05/2003	jfrantze 06/04/2003		sbasford 06/04/2003		S&L
/1			rschluet		mbarman		

*For Assembly
per Steve P. Office*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/05/2003 _____		06/05/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/03/2003

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Steve Knudsen

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep..Jensen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Open enrollment; victims of violent crimes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	pgrant 06/03/2003	kgilfoy 06/04/2003					
/P1		11-6/5 King	jfrantze 06/04/2003		sbasford 06/04/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/03/2003

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Steve Knudsen

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Open enrollment; victims of violent crimes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	pgrant	1/1-6/4 King	2/6/4	2/6/4			

FE Sent For:

<END>

Grant, Peter

From: Knudson, Steve
Sent: Tuesday, June 03, 2003 9:17 AM
To: Grant, Peter
Subject: FW: DPI--Drafting Request--Crime Victims--Inter-District Transfer

Below please find the memo and draft drafting instructions we discussed on the telephone.

If you have any questions please feel free to contact me. Please also let me know the LRB number as soon as it is assigned one.

Thank you,
Steve Knudson
Clerk, Assembly Committee on Education Reform
Office of State Representative Scott Jensen
Room 123 West, PO Box 8952
State Capitol
Madison, Wisconsin 53708-8952
Phone: (608) 264-6970
Fax: (608) 282-3698

-----Original Message-----

From: Kiel, Joyce
Sent: Monday, June 02, 2003 3:35 PM
To: Knudson, Steve
Subject: DPI-Drafting Request-Crime Victims-Inter-District Transfer

Steve:



victims of violent
crimes.rtf

I just talke to Mary Jo Cleaver at DPI and she sent me the attached. Please call me when you get a chance and we can talk about this.

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

-----Original Message-----

From: Cleaver, Mary Jo DPI
Sent: Monday, June 02, 2003 3:27 PM
To: Kiel, Joyce
Subject: victims of violent crimes.doc

<<victims of violent crimes.rtf>>

Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: May 30, 2003

TO: Tony Evers, Deputy State Superintendent

FROM: Mary Jo Cleaver, School Administration Consultant
Public School Open Enrollment

SUBJECT: Proposed Statutory Language to Grant Preference to Open Enrollment Applicants Who Have Been the Victims of Violent Crimes

At your request, I have drafted proposed statutory language that would accomplish the following:

1. Prohibit resident school districts from denying the open enrollment applications of pupils who have been the victims of violent crimes as specified in the No Child Left Behind Act.
2. Require nonresident school districts to grant preference to pupils who have been the victims of violent crimes, along with the preferences already granted to currently attending pupils and siblings of currently attending pupils.
3. Permit nonresident school districts to grant "guarantees" (in spite of a determination that space is not available) to pupils who have been victims of violent crimes, along with the "guarantees" already permitted for currently attending pupils, and siblings of currently attending pupils and applicants. Provide that if a nonresident school district grants any "guarantees" under this provision, it must also grant a guarantee to pupils who are victims of violent crimes.

The draft statutory language proposal is attached.

cc: Mike Bormett, Sheri Garvoille, Brian Pahnke, Lori Slauson, Bob Soldner

DRAFT

SECTION 1. 118.51 (1) (g) is created to read:

118.51 (1) (g) "Victim of a violent criminal offense" means a pupil identified as a victim of a violent criminal offense pursuant to administrative rules ~~adopted~~ ^{promulgated} by the department to implement ~~Section~~ 20 USC 7912.

SECTION 2. 118.51 (3) (a) 2. is amended to read:

118.51 (3) (a) 2. A nonresident school board may not act on any application received under subd. 1. until after the 3rd Friday following the first Monday in February. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept on a random basis, after giving preference to ~~pupils~~ all of the following:

a. Pupils and to siblings of pupils who are already attending public school in the nonresident school district.

b. Siblings of pupils who are already attending public school in the nonresident school district.

c. Pupils who are victims of a violent criminal offense.

2m. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept ~~an applicant who is already attending school in the nonresident school district or a sibling of the applicant~~ pupils described in subd. 2 a. b. or c., or siblings of applicants accepted under subd. 2. If a district accepts any pupils under this subd., it must accept all pupils described in subd. 2.c.

a. or b. or c.

SECTION 3. 118.51 (4) (a) 3m. is created to read:

118.51 (4) (a) 3m. Its criteria for acceptance of applications under sub. (3) (a) 2m, if applicable.

SECTION 4. 118.51 (6m) is created to read:

118.51 (6m) Notwithstanding the provisions of subs. (6), (7) and (12) (b) a ^{yes. sch. bd.} school board may not deny the application of a resident pupil who is the victim of a violent criminal offense.

- AM (6) to add preference for victims of violent crime ?

~~by sec. 4 (which requires acceptance of victims), why need preference lang. at all ?~~

Grant, Peter

From: . Kiel, Joyce
Sent: Tuesday, June 03, 2003 2:30 PM
To: Grant, Peter
Subject: FW: Clearinghouse Rule 02-151, Relating to ESEA Intradistrict Safe School Transfer Options - Modified Draft

Peter:

As we discussed, here is the latest version of the rule. It is currently pending in committee and has not been promulgated.

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

-----Original Message-----

From: Knudson, Steve
Sent: Thursday, May 29, 2003 11:45 AM
To: Cady, Dean; Hess, Martha; Humpal, Regina; Johns, Jason; Komassa, Jennifer; Langan, Casey; Mikalsen, Mike; Pluta, Mary; Rosenak, Mary Jan; Willett, Kelley; Anthony, Wanda; George, Mary Beth; Kelly, Jessica; Kelly, Judy; Levin, Jeremy; Stoll, Joanna; Tribys, Eleanora; Whitmore, Lori; Williams, Ritch
Cc: Kiel, Joyce
Subject: FW: Clearinghouse Rule 02-151, Relating to ESEA Intradistrict Safe School Transfer Options - Modified Draft

Please find attached DPI's latest version of Clearinghouse Rule 02-151.

Steve Knudson

Clerk, Assembly Committee on Education Reform
Office of State Representative Scott Jensen
Room 123 West, PO Box 8952
State Capitol
Madison, Wisconsin 53708-8952
Phone: (608) 264-6970
Fax: (608) 282-3698

-----Original Message-----

From: Slauson, Lori DPI
Sent: Wednesday, May 28, 2003 2:45 PM
To: Knudson, Steve; Boerger, Michael (Legislature); Kiel, Joyce; Whitesel, Russ; Clearinghouse
Cc: Evers, Anthony S DPI; Thompson, Michael DPI; White, Douglas DPI; Dibble, Nic DPI; Kammerud, Jennifer DPI; Grogan, Thomas R. DPI
Subject: Clearinghouse Rule 02-151, Relating to ESEA Intradistrict Safe School Transfer Options - Modified Draft

Please replace the earlier version of Clearinghouse Rule 02-151 sent on May 27 with this version (draft dated 5/27/03). Thanks to Joyce's careful review of the rule, some very technical modifications have been made to s. PI 23.05 (2) (intro.) and (a).

06/03/2003

Lori Slauson
Administrative Rules Coordinator
Department of Public Instruction
608/267-9127
lori.slauson@dpi.state.wi.us

NOTICE OF RULES IN FINAL DRAFT FORM

NOTICE IS HEREBY GIVEN to the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create Chapter PI 23, relating to ESEA intradistrict safe school transfer options.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.28 (9) and 227.11 (2) (a), Stats.

Statute interpreted: s. 115.28 (9), Stats.

Public Law 107-110 section 9532 reauthorizing the Elementary and Secondary Education Act (ESEA), requires each state receiving ESEA funds to establish and implement a statewide policy that allows students who attend persistently dangerous public schools to attend safe public schools. This provision also allows students who become victims of a violent criminal offense while in or on the grounds of a public school they attend to attend safe public schools. This transfer provision only applies if the district has another appropriate grade level public school, including a public charter school.

Each state must certify to the U. S. Department of Education that it has developed an unsafe school policy. The policy must be determined by the state in consultation with a representative sample of local educational agencies. Accordingly, the department worked with the Wisconsin Association of School District Administrators and the Association of Wisconsin School Administrators and their statewide, representative network of school administrators to develop and refine the policy through draft administrative rules prior to the promulgation process.

To comply with the ESEA and to remain eligible to receive more than \$250 million in federal funds, the proposed rules:

- Specify criteria to determine whether a school is persistently dangerous.
- Define the terms “victim” and “violent criminal offense.”
- Specify school board notification and pupil transfer requirements.

SECTION 1. Chapter PI 23 is created to read:

CHAPTER PI 23

ESEA INTRADISTRICT SAFE SCHOOL TRANSFER OPTIONS

PI 23.01 Authority. This chapter is adopted under ss. 115.28 (9) and 227.11 (2) (a), Stats.

PI 23.02 Applicability and purpose. (1) Section 20 USC 7912 requires that each state receiving funds under the Elementary and Secondary Education Act of 1965 establish and implement a statewide policy requiring that pupils attending a persistently dangerous public school, or pupils who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school ~~within~~ operated by the local education agency, including a public charter school.

(2) This chapter establishes procedures for all of the following:

- (a) Identification of persistently dangerous schools.
- (b) Identification of victims of a violent criminal offense.
- (c) School board notification and pupil transfer requirements.

PI 23.03 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "ESEA" means the federal Elementary and Secondary Education Act of 1965.
- (3) "School board" has the meaning given in s. 115.001 (7), Stats.
- (4) "School district" has the meaning given in s. 115.01 (3), Stats.
- (5) "School hours" means the hours of a normal school day established by a school board under s. 120.12 (15),

Stats.

(6) "Victim" means a person who is the subject of a violent criminal offense.

(7) "Violent criminal offense" means a crime specified in ss. 940.225 (2) and (3) and 969.035 (1), Stats the appendix to this chapter.

PI 23.04 ESEA intradistrict safe school transfer options. The school board of a school shall allow a pupil to attend another appropriate grade level public school ~~within~~ operated by the school district, including a public charter school, if either of the following applies to the pupil:

(1) The pupil attends a school identified as persistently dangerous by the department under s. PI 23.05 (1).

(2) The pupil has been a victim of a violent criminal offense ~~while in or on the grounds of a public elementary or secondary school that the pupil attends~~ as specified under s. PI 23.06.

PI 23.05 Persistently dangerous schools. (1) The department shall identify persistently dangerous schools using data collected through the school performance report under s. 115.38 (1) (b) 2., Stats., and upon review of information submitted under sub. (3). If the department determines the school is persistently dangerous, it shall notify the school board of the school in writing within 30 days of receiving the information under sub. (3). The department's decision under this section shall be final.

NOTE: The department's decision is final but does not preclude possible review under subch. III of ch. 227, Stats.

(2) A school may be considered persistently dangerous if ~~it~~ the school performance reports under s. 115.38 (1) (b) 2., Stats., indicates that the school meets ~~the greater of either one~~ one of the following criteria ~~for 3 or more immediately prior consecutive years:~~

(a) In each of the 3 school years that immediately precede the current school year, weapon-related suspensions at the school in a school year are greater than 5% of the number of pupils enrolled in the school.

(b) In each of the 3 school years that immediately precede the current school year, the greater of either of the following occurred:

1. The school ~~has~~ board of the school expelled in a school year at least 1% of the pupils enrolled in the school for assault, endangering behavior or weapons-related offenses.

2. The school ~~has~~ board of the school expelled in a school year 5 or more pupils enrolled in the school for assault, endangering behavior or weapons-related offenses.

(3) The department shall notify in writing the school board of the school that meets the criteria under sub. (2) that the school may be considered persistently dangerous. The notice under this subsection shall be given within 30 days after receiving the data under s. 115.28 (1) (b) 2., Stats. A school board that ~~has a school within its district that meets the criteria under sub. (2)~~ receives a notice under this subsection shall submit all of the following information to the department within 30 days of receiving the notice:

(a) The school's safety plan.

(b) Local efforts to address the school's safety concerns.

(c) Current data the school may have available that is deemed relevant by the school board that is not reflected in the school performance report.

(d) Other information deemed relevant by the department, upon the department's request.

(4) A school board that has received a notice under sub. (1) shall do all of the following:

(a) Within 10 working days of receiving the notice under sub. (1), notify in writing the parents or guardians of the pupils attending the school that it has been identified as persistently dangerous. The notice shall include an offer to pupils attending the school to transfer to another appropriate grade level public school ~~within~~ operated by the school district, including a public charter school.

(b) Within 30 working days of receiving the notice under sub. (1), complete the transfer for those pupils who accept the offer under par. (a).

(c) Within 30 working days of receiving the notice under sub. (1), submit a corrective action plan to the department ~~for approval~~. Corrective action activities may include, but are not limited to, any of the following:

1. Providing additional personnel to supervise children.

2. Providing conflict resolution instructional programs.

3. Collaborating with local law enforcement agencies.

4. Providing school discipline enforcement training for school staff.

5. Providing additional security measures.

(5) ~~A school is no longer considered persistently dangerous if the~~ If a school has been identified as persistently dangerous under sub. (1) in the previous school year, the department shall review the school's performance report data within 30 days after receiving the data under s. 115.38 (1) (b) 2., Stats., and shall request updated information under sub. (3) within 30 days of receiving this updated information. The department shall notify the school that it is no longer considered persistently dangerous if it meets both of the following criteria:

(a) The school no longer meets the criteria specified under s. PI-23.05 sub. (2).

(b) The department has determined the school is no longer persistently dangerous based on a review of updated information submitted under sub. (3).

PI 23.06 Victims of a violent criminal offense. (1) A pupil may transfer to another appropriate grade level public school ~~within~~ operated by the school district if he or she has been a victim of a violent criminal offense ~~while in or on the grounds of a public elementary or secondary school that the pupil attends.~~ This section applies to a under either of the following circumstances and reports the incident to the appropriate law enforcement agency and to the building principal:

(a) The pupil ~~who~~ has been a victim of a violent criminal offense while on the school grounds of the school that the pupil attends during regular school hours or during a school-sponsored event at the school that the pupil attends that does not occur during regular school hours.

(b) The pupil has been a victim of a violent criminal offense while being transported to school for the purpose of attending curricular programs during school hours or from school to home immediately following school hours on a school bus owned, leased, or contracted by the school district or by a motor vehicle operated as an alternative method of transportation under s. 121.555, Stats. For a pupil who has been a victim of a violent criminal offense while being transported to or from a school by a common carrier in a school district providing transportation under s. 121.54 (1), Stats., transfer decisions under this section shall be made by the school board or the school board's designee on a case-by-case basis. *from home?*

NOTE: The department also encourages school boards and the community to promote safe pedestrian pathways for pupils walking to school for the purpose of attending curricular programs during school hours or from school to home immediately following school hours.

(2) A school board or the school board's designee that has a pupil who meets the provisions under sub. (1) shall do all of the following:

(a) Within 10 working days of the incident being reported under sub. (1), do all of the following:

1. Determine, in consultation with law enforcement officers if necessary, if the incident is a violent criminal offense.

2. ~~Offer~~ Notify in writing the parents or guardians of the pupil of the choice to transfer to another appropriate grade level public school within operated by the school district, including a public charter school if the incident is determined to be a violent criminal offense.

(b) Within 30 working days of the pupil accepting the offer under par. (a) 2., complete the transfer.

(3) A school board does not have to allow a pupil under sub. (1) to transfer to another school if the pupil was a victim of a violent criminal offense under any of the following circumstances:

(a) While away from the school he or she attends but during a school sponsored activity or field trip.

(b) While traveling on the school bus to or from a ~~school~~ or a school-sponsored activity or field trip.

(c) While on school grounds of the school he or she attends but not during ~~regular~~ school hours or during a school-sponsored event.

NOTE: Federal law does not require a criminal conviction to qualify a pupil as a victim, 20 USC 7912. Accordingly, the determination by the school board or its designee about whether a violent criminal offense has been committed under the statutory definitions found within Wisconsin's criminal code is not an adjudication of the elements of a crime, as found under Wisconsin law, but rather a determination by the school board or its designee about the nature of the alleged conduct at issue. This determination by the school board or its designee will be based upon the reports it receives from law enforcement and other school authorities, including the building principal.

NOTE: The transfer provision in this chapter only applies if the district has another appropriate grade level public school, including a public charter school. However, the U. S. Department of Education's Guidance encourages, but does not require, school districts to explore other appropriate options such as an agreement with a neighboring school district to accept transfer pupils if there is not another school in the school district for the transferring pupils.

SECTION 2. INITIAL APPLICABILITY. (1) ~~The~~ Except as specified under subs. (2) to (4), treatment of this chapter, ~~except s. PI 23.05 (2),~~ first applies upon the effective date of this rule.

(2) The treatment of s. PI 23.05 (2) (b) first applies to 1999-2000 school year data collected through the school performance report under s. 115.38 (1) (b) 2., Stats.

(3) The treatment of s. PI 23.05 (2) (a) first applies to 2000-2001 school year data collected through the school performance report under s. 115.38 (1) (b) 2., Stats.

(4) The treatment of s. PI 23.06 first applies to a violent criminal offense that occurred on the effective date of this rule.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this ____ day of May, 2003

Elizabeth Burmaster
State Superintendent

CHAPTER PI 23

APPENDIX

LIST OF VIOLENT CRIMINAL OFFENSES UNDER THE ESEA INTRADISTRICT SAFE SCHOOL TRANSFER OPTIONS

Class B Felonies

- Attempted first-degree intentional homicide under ss. 939.32 and 940.01, Stats.
- Attempted second-degree intentional homicide under ss. 939.32 and 940.05, Stats.
- Attempted first-degree sexual assault under ss. 939.32 and 940.225 (1), Stats.
- First-degree sexual assault under s. 940.225 (1), Stats.
- First-degree sexual assault of a child under s. 948.02 (1), Stats.
- Repeated first- or second-degree sexual assault of a child, if at least three of the offenses are first-degree sexual assault of a child under s. 948.025 (1), Stats.

Class C Felonies

- Attempted second degree sexual assault under ss. 939.32 and 940.225 (2), Stats.
- Mayhem under s. 940.21, Stats.
- Second-degree sexual assault under s. 940.225 (2), Stats.
- Kidnapping under s. 940.31, Stats.
- Armed robbery under s. 943.32 (2), Stats.
- Second-degree sexual assault of a child under s. 948.02 (2), Stats.
- Repeated first- or second-degree sexual assault of a child, if fewer than three of the offenses are first-degree sexual assault of a child under s. 948.025 (1), Stats.

Class D Felonies

- Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) under s. 940.195 (5), Stats.
- First-degree reckless injury under s. 940.23 (1), Stats.

Class E Felonies

- Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) under s. 940.19 (5), Stats.
- Physical abuse of a child (intentionally causing great bodily harm) under s. 948.03 (2) (a), Stats.

Class F Felonies

- Second-degree reckless injury under s. 940.23 (2), Stats.
- Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) under s. 940.32 (3), Stats.
- First-degree recklessly endangering safety under s. 941.30 (1), Stats.
- Causing great bodily harm by tampering with household products under s. 941.327 (2) (b) 3., Stats.
- Physical abuse of a child (causing bodily harm to a child by conduct creating a high probability of great bodily harm) under s. 948.03 (2) (c), Stats.

Class G Felonies

- Attempted third-degree sexual assault under ss. 939.32 and 940.225 (3), Stats.
- Third-degree sexual assault under s. 940.225 (3), Stats.
- Physical abuse of a child (recklessly causing great bodily harm) under s. 948.03 (3) (a), Stats.

Class H Felonies

- Physical abuse of a physically disabled person under s. 940.19 (6), Stats.
- False imprisonment under s. 940.30, Stats.
- Threats to injure or accuse of a crime (extortion) under s. 943.30, Stats.
- Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) under s. 948.03 (3) (c), Stats.
- Hazing (if the act results in great bodily harm) under s. 948.51 (3) (b), Stats.

Class I Felonies

- Injury by negligent handling of a dangerous weapon, explosives or fire under s. 940.24, Stats.
- Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) under s. 940.32 (2) and (2e), Stats.
- Soliciting a child to participate in criminal gang activity under s. 941.38 (2), Stats.
- Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) under s. 947.013 (1t), Stats.

Jayra Kiel 6/2/03

w/ deadlines - cd be long time before kid transferred out
(eg if event in March) cd be year later)

also

if victim, deadlines don't apply

6/3/03

Steve Knudson

don't do under open enrollment

do as tuition

12.78

sd of res must allow kid to transfer
& pays tuition

2003

Date (time) needed

THURS
am

LRB - 2795, P1

PG : KMG

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *allowing certain pupils who are victims of violent crimes to transfer to a different school district.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

This is a preliminary draft. An analysis will be provided on a later version.

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

SECTION #.

¶ 2. "Violent criminal" ^{offense} has the meaning given
in the administrative rules promulgated by
the department to implement 25 USC 7912.

20

Insert "AM"

~~(a) Paragraph (b) replaces~~ the violent crime
pupil or his or her parent or guardian reports
the violent criminal ^{offense} to the appropriate
law enforcement agency ~~and~~ ^(AM) to the principal
of the school that the pupil attends.

~~(d) within~~

BACK TO PREVIOUS PAGE

12/17/18 (5) VICTIMS OF VIOLENT CRIMES (b) A school

board ~~may~~ shall allow a ~~pupil~~ ~~nonresident~~

pupil enrolled in the school district who is ~~has been~~ ~~is~~
victim of a violent criminal offense

the victim of a ~~deliberate~~ ~~offense~~ to attend a
public school outside the
& ~~nonresident~~ school district of residence & The school

board of the school district of residence shall

pay tuition for the pupil and shall be paid state

aid ~~as~~ through the pupil were enrolled in the

school district of residence.

if there is no
^{other} ~~alternative~~ public school
operated by the ^{school} ~~board~~ in the school district ~~of~~ ^{of residence that is} appropriate for the pupil
and ~~it~~

pupil's

I insert
"AM" next
page

within 10 working days of the incident being reported under par. (b),
(c) the school board ~~shall~~ ^{the parent or guardian of} ~~the parent or guardian of~~ a pupil who is enrolled in the school district and who is the victim of a violent criminal offense, in writing, of the opportunity to attend a public school in another school district under par. (b).

(End)



TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 121.78 (5) of the statutes; relating to: allowing certain pupils
2 who are victims of violent crimes to transfer to a different school district.

Analysis by the Legislative Reference Bureau

(attached)

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 121.78 (5) of the statutes is created to read:

4 121.78 (5) VICTIMS OF VIOLENT CRIMINAL OFFENSES. (a) In this subsection,

5 ~~1. "Victim of a violent criminal offense" means either of the following:~~

6 ^{The} ~~a. A pupil who has been~~ ^{was} ~~the~~ ^{the} victim of a violent criminal offense while on the
7 school grounds of the school that the pupil attends, during school hours or during a
8 school-sponsored event held at the school that the pupil attends, or

9 ^{The} ~~b. A pupil who has been~~ ^{was} ~~the~~ ^{the} victim of a violent criminal offense while being
10 transported to school to attend curricular programs during school hours, or from

move to
p. 2 line 8

1 school to home immediately following school hours, on a school bus owned, leased,
2 or contracted by the school board or in a motor vehicle operated as an alternative
3 method of providing transportation under s. 121.555.

4 ~~NO~~ "Violent criminal offense" has the meaning given in the administrative rules
5 promulgated by the department to implement 20 USC 7912.

6 (b) A school board shall allow a pupil enrolled in the school district who is the
7 victim of a violent criminal offense to attend a public school outside the school district
8 of residence if ^{all of the following apply: [insert from p. 1]} there is no other public school operated by the school board in the
9 pupil's school district of residence that ^{is} appropriate ^{for the pupil,} ^{and the pupil or} his or her parent or guardian reports the violent criminal offense to the appropriate
10 law enforcement agency and to the principal of the school that the pupil attends. ~~the~~

11 ~~school board of the school district of residence~~ ^{and} shall pay tuition for the pupil ~~and shall~~
12 ~~be paid state aid as though the pupil were enrolled in the school district of residence.~~

13
14 (c) Within 10 working days of ^{an} ~~the~~ incident being reported under par. (b), ^{3. ✓} the
15 school board shall notify the parent or guardian of ^{the} ~~a~~ pupil who is enrolled in the
16 school district and who is the victim of ^{the} ~~a~~ violent criminal offense, in writing, of the
17 opportunity to attend a public school in another school district under par. (b). ✓

18 (END)

ANALYSIS

if there is no other public school in the pupil's school district that is appropriate.

This bill allows certain pupils who are victims of violent crimes to transfer to a public school in another school district. The pupil's school district of residence must pay tuition for the pupil.

~~The violent~~

In order to be eligible, the violent crime either must occur on the school grounds of the school that the pupil attends, and must occur during school hours or during a school-sponsored event held at the school that the pupil attends; or while the pupil is being transported to school, or from school to ~~to~~ his or her home, on ~~or~~ a bus in an school bus or alternative vehicle provided by the school district.

The bill ~~directs~~ provides for the Department of Public

the
Instruction to determine which criminal
offenses to which the bill applies.

FE-SL

Emery, Lynn

From: Healy, Brett
Sent: Thursday, June 05, 2003 12:47 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2795/1 Topic: Open enrollment; victims of violent crimes

It has been requested by <Healy, Brett> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2795/1 Topic: Open enrollment; victims of violent crimes