

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		2. Date
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter PI 42, Reporting of incidents resulting in charges or citations		
4. Subject Incidents of crime and other safety-related incidents		
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget		
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)		
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137 (3) (b) 1., Stats. Indeterminate		
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137 (3) (b) 2., Stats.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
11. Policy Problem Addressed by the Rule 2023 Wisconsin Act 12 created s. 118.124, Wis. Stats., relating to statistics of incidents for which charges were filed or citations were issued. Section 118.124 (4), Wis. Stats., requires the department to promulgate rules to administer the new section, 118.124, including a rule that requires public high schools and private high schools participating in the parental choice program to collect and report statistics of certain incidents that occurred on school or district property and during a school-sanctioned event, but only if a charge was filed or a citation was issued for the incident. The proposed rule creates a new administrative code chapter, ch. PI 42, which establishes procedures for administering the statutory changes as a result of 2023 Act 12. Under the proposed rule, reporting schools must collect and maintain statistics on certain incidents involving criminal or delinquency charges or citations when notified of said incidents, using standardized incident categories outlined in s. 118.124 (2) (a), Wis. Stats. Additionally, for potentially reportable incidents, the proposed rule requires schools to request information regarding the factual basis of the charge or citation to confirm that the incident satisfies the criteria under s. 118.124 (2) (b), Wis. Stats. The reporting year is based on when that information is received. For charges and citations confirmed to have met the criteria under s. 118.124 (2), Wis. Stats., the rule requires reporting schools to submit incident data to the department by July 31 annually using an electronic form provided by the department. Finally, the department shall include aggregate incident data in annual school and district report cards required under s. 115.385, Wis. Stats.		
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments The department held a preliminary public hearing and comment period on the scope statement for the proposed rule. As provided in the hearing notice, any comment received during the preliminary public hearing and comment period are also considered for the development of this economic impact analysis. However, the comments were not specific to the fiscal impact of this rule and were not considered in the development of this economic impact analysis.		
13. Identify the Local Governmental Units that Participated in the Development of this EIA None.		
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)		

ADMINISTRATIVE RULES

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State:

The fiscal impact to the state from the proposed rule is expected to be limited and absorbed within existing department resources. While the department will incur some administrative costs related to publishing incident data reported by schools in annual accountability reports, implementation is likely to be supported through current department operations.

Local:

The local fiscal impact for reporting schools under the proposed rule is expected to be moderate and administrative in nature, primarily involving staff time and procedural adjustments to comply with the reporting requirement. Reporting schools will need to designate personnel to review notices of charges or citations, determine whether incidents meet reporting criteria, and submit annual reports to the department. This may require coordination with law enforcement agencies to access necessary documentation and establish or revise interagency agreements. While no new appropriations were made to support these initiatives, reporting schools may incur costs related to training staff, updating internal protocols, and seeking legal counsel for ensuring compliance with this reporting requirement and existing privacy laws. These costs are expected to be managed within existing school budgets; however, the financial impact may vary depending on each reporting school's administrative capacity, making the exact fiscal impact difficult to determine.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing the proposed rule offers several key benefits. It promotes transparency by ensuring that all schools subject to this requirement consistently report incidents that result in charges or citations. The rule also ensures compliance with statutory requirements under s. 118.124, Wis. Stats., reinforcing the legal obligations for reporting schools and the department. In contrast, without a rule, code will not be in compliance with the statutes, and reporting schools may face confusion with respect to the reporting requirement under 2023 Act 12.

16. Long-Range Implications of Implementing the Rule

The long-range implications of implementing the proposed rule include establishing clear and specific reporting requirements in alignment with 2023 Act 12, which will promote consistency and clarity among reporting schools as they fulfill their obligations under the law. Overall, the rule provides a structured framework that supports compliance, enhances transparency, and strengthens statewide efforts to ensure safe and accountable learning environments.

17. Compare With Approaches Being Used by Federal Government

Since 1968, under 20 U.S.C. § 3413(c)(1), the U.S. Department of Education's (DOE) has conducted the Civil Rights Data Collection (CRDC), which is generally a biennial survey of data from schools that receive federal financial assistance from the DOE. The CRDC gathers information about student access to educational programs, educational activities, and staff and school climate factors, including discipline and harassment or bullying incidents. The data is further disaggregated by race/ethnicity, sex, English learner (EL), and disability. The DOE uses the CRDC data to ensure school compliance with civil rights laws and regulations enforced by the DOE's Office for Civil Rights.

The data elements collected under Wis. Stat. § 118.124 consequentially differ from the data elements collected under the CRDC such that there is no useful overlap. The CRDC generally covers school incidents and the actions of the school in response to certain incidents and allegations. In comparison, Wis. Stat. § 118.124 requires schools to report the actions of other government agencies: citations issued by law enforcement agencies and charges filed by district attorneys' offices. In essence, Wis. Stat. § 118.124 asks high schools to report what happened after a CRDC reported event (e.g., law enforcement referral, school-related arrest, etc.) and sometimes what happened after an event that does not fall under the CRDC.

Due to the differences in the state and federal reporting requirements, some incidents will fall under Wis. Stat. § 118.124 without falling under the CRDC and vice versa. This makes it difficult to draw upon the data of either requirement to report data under the other requirement. For example, Wis. Stat. § 118.124 excludes reporting the discharge of a firearm on school grounds even if a criminal charge was filed for that incident, but the CRDC requires reporting that type of incident regardless of whether a criminal charge was filed. Homicide and allegations of rape or

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

sexual assault are reported under the CRDC even if the perpetrator was never identified. Those incidents would not be reported under Wis. Stat. § 118.124 unless criminal charges had been filed against someone. The CRDC reporting generally includes school-related arrests of K-12 students, even if criminal charges did not result, whereas reporting under § 118.124 excludes arrests that did not result in criminal charges, and it includes charges filed against anyone, not only students, regardless of whether an arrest occurred at school.

Due to the differences described above, it is not possible to reference the data reported under one law to complete the reporting requirements under the other law.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois does not appear to have any comparable rule or statute requiring public or private schools to report to the state education agency, or other state government body, the school incidents for which criminal charges were filed or citations were issued. However, Illinois requires its Department of State Police to provide an annual statistical compilation and related data associated with incidents involving firearms in schools to the State Board of Education. Staff are required to report those incidents to principals, and principals are required to report those incidents to law enforcement. Unlike Wis. Stat. § 118.124, under Illinois law, reports are made to the State Board of Education even if the incident does not lead to criminal charges.

Iowa: Iowa does not appear to have any comparable rule or statute that requires public or private schools to report to the state education agency, or other state government body, the school incidents for which criminal charges were filed or citations were issued. However, Iowa, under Iowa Code § 279.51A, does require school districts to report to the state education agency certain incidents committed by students in a school building, on school grounds, or at a school-sponsored function, and any time a student is referred for the use of or transfer to a therapeutic classroom. The state education agency must annually compile and summarize the reports, categorized by behavior, and submit the summary to the general assembly. Unlike Wis. Stat. § 118.124, the actions of other agencies (such as law enforcement agencies or prosecuting attorneys' offices) do not determine whether the district shall report an incident to the state education agency, and only the actions of students are reported.

Michigan: Michigan does not appear to have any comparable rule or statute requiring public or private schools to report to the state education agency, or other state government body, the school incidents for which criminal charges were filed or citations were issued. However, Michigan, under Mich. Comp. Laws § 380.1230d, requires school employees, contractors, and applicants to notify the state department of education and the applicable school or school district, if the person has been charged with a crime listed in Mich. Comp. Laws § 1535a(1) or 1539b(1) or a violation of a substantially similar law of another jurisdiction. The notice requirement is limited to those certain charges filed against those listed individuals only, but it is not limited to incidents occurring only on school property and during school-sponsored events. Notably, it is the criminal defendant who must report the charge to the state dept. of education and the applicable school/district, and failing to provide notice is a crime.

Minnesota: Minnesota does not appear to have any comparable rule or statute requiring public or private schools to report to the state education agency, or other state government body, the school incidents for which criminal charges were filed or citations were issued. Minnesota, under Minn. Stat. § 121A.06, does require schools to report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner of education. The commissioner of education must compile the information it receives from schools and report it annually to the commissioner of public safety and the state legislature. 121A.06. Minnesota law also requires schools to file an "after-action review report" for active shooter incidents and active shooter threats to the Minnesota Fusion Center. Neither reporting requirement limits reporting to incidents for which charges were filed or citations were issued.

19. Contact Name Carl Bryan, Legislative Policy Coordinator Department of Public Instruction	20. Contact Phone Number (608) 266-3275
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