

1993 Assembly Bill 291

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1993 WISCONSIN ACT 334

AN ACT to amend 48.396 (7) (a), 48.396 (7) (b), 118.125 (2) (j) 1, 118.125 (2) (j) 2, 118.16 (4) (b), 118.31 (4), 119.04 (1) and 120.13 (1) (b); and to create 48.355 (2) (c), 118.125 (2) (cm), 118.125 (2) (j) 3, 118.128, 118.19 (9) and 120.13 (35) of the statutes, relating to: the disclosure of pupil directory data, school district notification of juvenile court dispositions, school district reporting of compliance with juvenile court dispositions, disclosure of certain information regarding a pupil's behavior that harmed others, teacher and school administrator training on conflict resolution, school board rules on visitors in school buildings, a report on the need for annual school crime reports and providing penalties.

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

SECTION 1. 48.355 (2) (c) of the statutes is created to read:

48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7., the order shall specify what constitutes a violation of the condition and shall direct the school board of the school district in which the child is enrolled to notify the county department that is responsible for supervising the child within 5 days after any violation of the condition by the child.

SECTION 2m. 48.396 (7) (a) of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:

48.396 (7) (a) Notwithstanding sub. (2) and subject to par. (b), if a child is adjudged delinquent, within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the child's parent that the court clerk will notify the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent unless the child's parent requests, in writing, within 5 days after the date of notification of the child's parent, that the information not be provided. Notwithstanding sub. (2) and subject to par. (b), if the court clerk does not receive a request from the child's parent within 5 days after the date of notification of the child's parent that the information not be provided,

the court clerk shall notify the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent. Notwithstanding sub. (2), if school attendance is a condition of a dispositional order under s. 48.355 (2) (b) 7., within 5 days after the date on which the dispositional order is entered, the court clerk shall notify the school board of the school district in which the child is enrolled of the fact that the child's school attendance is a condition of a dispositional order.

SECTION 2p. 48.396 (7) (b) of the statutes, as created by 1993 Wisconsin Act 98, is amended to read:

48.396 (7) (b) If a child is found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under ch. 161 or under chs. 939 to 948 if committed by an adult and is adjudged delinquent on that basis, within 5 days after the date on which the dispositional order is entered the court clerk shall notify the principal of the child's school and the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent on that basis.

SECTION 3. 118.125 (2) (cm) of the statutes is created to read:

118.125 (2) (cm) If school attendance is a condition of a child's dispositional order under s. 48.355 (2) (b) 7.,

the school board shall notify the county department that is responsible for supervising the child within 5 days after any violation of the condition by the child.

SECTION 4. 118.125 (2) (j) 1. of the statutes is amended to read:

118.125 (2) (j) 1. Except as provided under ~~subd. subs. 2 and 3~~, directory data may be disclosed to any person, if the school has ~~given public notice~~ notified the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory data with respect to each pupil and has allowed ~~a reasonable time thereafter~~ 14 days for the parent, legal guardian or guardian ad litem of ~~any that~~ pupil to inform the school that all or any part of the directory data may not be released without the prior consent of the parent, legal guardian or guardian ad litem.

SECTION 4m. 118.125 (2) (j) 2. of the statutes is amended to read:

118.125 (2) (j) 2. If a school has ~~given public notice~~ notified the parent, legal guardian or guardian ad litem that a pupil's name and address has been designated as directory data, has allowed ~~a reasonable time thereafter~~ 14 days for the parent, legal guardian or guardian ad litem of the pupil to inform the school that the pupil's name and address may not be released without the prior consent of the parent, legal guardian or guardian ad litem and the parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk, upon request, shall provide a vocational, technical and adult education district board with the name and address of each such pupil who is expected to graduate from high school in the current school year.

SECTION 5. 118.125 (2) (j) 3. of the statutes is created to read:

118.125 (2) (j) 3. If a school has notified the parent, legal guardian or guardian ad litem of the information that it has designated as directory data with respect to any pupil, the school has allowed 14 days for the parent, legal guardian or guardian ad litem of the pupil to inform the school that such information may not be released without the prior consent of the parent, legal guardian or guardian ad litem and the parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk, upon request, shall provide any representative of a law enforcement agency, as defined in s. 165.83 (1) (b), district attorney or corporation counsel, county department under s. 46.215, 46.22 or 46.23 or a court of record or municipal court with such information relating to any such pupil enrolled in the school district for the purpose of enforcing that pupil's school attendance or to respond to a health or safety emergency.

SECTION 6. 118.128 of the statutes is created to read:

118.128 Information related to pupil harm to others. If a school district determines, based on evidence that a pupil engaged in behavior that seriously physically harmed another individual within the previous 12 months

or that a pupil has engaged in a pattern of behavior causing serious physical harm to another individual, that there is reasonable cause to believe that the pupil may engage in behavior at school or while under the supervision of a school authority that is physically harmful to another individual, the school district may provide information concerning the pupil's physically harmful behavior to the pupil's teachers and to any other school district official who has a legitimate educational or safety interest in the information. The information provided under this section shall be limited to information reasonably necessary to meet the educational needs of the pupil and the safety needs of other pupils and school personnel. A teacher or other school district official may not disclose information provided to him or her under this section to any other person.

SECTION 8. 118.16 (4) (b) of the statutes is amended to read:

118.16 (4) (b) No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy under par. (a) shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester or grading period examinations and complete any course work missed during a period of suspension.

SECTION 9. 118.19 (9) of the statutes is created to read:

118.19 (9) (a) Except as provided in par. (b), beginning on July 1, 1996, the state superintendent may not issue an initial license, school district administrator's license or school administrator's license unless the applicant has demonstrated competency in all of the following:

1. Resolving conflicts between pupils and between pupils and school staff.
2. Assisting pupils in learning methods of resolving conflicts between pupils and between pupils and school staff, including training in the use of peer mediation to resolve conflicts between pupils.
3. Dealing with crises, including violent, disruptive, potentially violent or potentially disruptive situations, that may arise in school or at activities supervised by a school as a result of conflicts between pupils or between pupils and other persons.

(b) The state superintendent may waive the requirements under par. (a) if the applicant demonstrates competency in the subjects under par. (a) 1. to 3. within 12 months after the date on which the license is issued.

SECTION 10. 118.31 (4) of the statutes is amended to read:

118.31 (4) Each school board shall adopt a policy that allows any official, employe or agent of the school board to use reasonable and necessary force for the purposes of

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sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employe or agent of a school board.

SECTION 11. 119.04 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

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, 115.364, 115.366, 115.38 (2), 115.40, 115.45, 118.01 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 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 118.40, 120.12 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26) ~~and~~ (34) ~~and~~ (35) and 120.14 are applicable to a 1st class city school district and board.

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

120.13 (1) (b) 2. The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 school days or, if a notice of expulsion hearing has been sent under par. (c) 2 or (e) or s. 119.25, for not more than a total of 15 consecutive school days for noncompliance with such rules or school board rules, or 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, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or 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. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with such rule, or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or

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

SECTION 18. 120.13 (35) of the statutes is created to read:

120.13 (35) PRESENCE IN SCHOOL BUILDINGS. (a) A school board may adopt rules applicable to persons who enter or remain in a building operated by the school board, including requirements that such persons identify themselves and sign in when entering or remaining in the building or any specified portion of the building and designating time periods during which such persons may enter or remain in the building or any portion of the building.

(b) 1. Except as provided in subd. 2, any person entering or remaining in a building or portion of a building in violation of the school board's rules is subject to a forfeiture of not more than \$1,000. Any person entering or remaining in a building or portion of a building in violation of the school board's rules under circumstances tending to create or provoke a breach of the peace may be fined not more than \$10,000 or imprisoned for not more than 90 days or both.

2. Subdivision 1 does not apply to pupils, parents of pupils, school district employes or officials or agents of a certified or recognized representative of school district employes who are included in a collective bargaining unit.

SECTION 21. Nonstatutory provisions; report of need for school crime report. Before April 1, 1995, the department of public instruction shall submit a report on all of the following to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes:

(1) The need and utility of requiring school districts to submit an annual report on school-related crime.

(2) The types of information that the department recommends be included in any report under subsection (1).