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# Budget Briefs

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## SCHOOL DISCIPLINE AND SAFETY

The biennial state budget act (1999 Wisconsin Act 9), passed by the legislature and signed by Governor Tommy Thompson on October 27, 1999, contains provisions to assist schools in dealing with school discipline and safety.

### BACKGROUND

In June 1998 the Joint Legislative Council established the Special Committee on School Discipline and Safety to study school discipline and safety. The committee reviewed numerous issues, including procedures for placement of unruly students and alternative educational options; training school district staff and officers and school boards about disciplining pupils; disciplining children with disabilities; effective strategies for reducing violence and disruption in schools; and data collection regarding suspensions, expulsions, and other discipline of unruly, disruptive, or dangerous pupils.

The recommendations of the special committee were introduced in 1999 Senate Bill 239 on September 28, 1999, and many were eventually incorporated in the final version of Act 9.

### ACT 9 PROVISIONS FOR SCHOOL DISCIPLINE AND SAFETY

**School Safety Plans.** Every school board is required to have in effect a school safety plan for each school in the school district, beginning April 1, 2000. The law does not detail the features of these plans.

**Suspension or Expulsion for a Threat.** Current law provides that a pupil must be suspended and expelled for possession of a firearm while at school or under the supervision of a school authority. In addition, a pupil may be suspended or expelled for the following: 1) conduct at school or while under the supervision of a school authority that endangers a person or property or 2) conduct when the student is not at school or under school supervision if the acts endanger persons or property at the school or under school supervision or the property or persons of the school staff or members of the school board. Act 9 provides that 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.

**Reporting Suspension and Expulsion Data.** Under current law, the State Superintendent of Public Instruction must develop criteria for annual performance reports by the schools and school district, which are distributed to parents and summarized for the legislature. Act 9 provides each performance report must include the following information about pupil suspensions and expulsions, based on categories specified by the State Superintendent:

- 1) reasons for suspensions or expulsions;
- 2) length of the expulsions;
- 3) whether pupils return to school after expulsion;
- 4) educational programs and services, if any, provided to pupils during their expulsions;
- 5) schools attended by pupils who are suspended or expelled; and

- 6) grade, sex, and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities.

These requirements apply to the report to be distributed by January 1, 2002.

**Parental Liability.** Act 9 increases from \$5,000 to \$20,000 the maximum liability incurred by a custodial parent for damages caused to a public or private school by a minor child in the following instances: 1) an act or threat that endangers the property, health, or safety of persons while at the school or under the supervision of a school authority or that damages the property of a school and results in a substantial disruption of a school day or a school activity or 2) a statutory violation relating to damage to property; arson of buildings or property damage by use of explosives; the placing of combustible materials or explosives near property with the intent to set fire to or blow up property; and bomb scares. In addition to other damages, a school board or governing body of a private school may recover its costs for instructional time lost as the direct result of the act or threat.

**Pupils Without a Parent or Guardian.** Any school teacher, school administrator, school counselor, or school social worker who knows that a child is without a parent or guardian is required to report the situation as soon as possible to the appropriate social services department. This provision does not apply if the pupil has a legal custodian or is cared for by a kinship care relative.

**Alternative Education Grants.** Act 9 creates a \$5 million appropriation in fiscal year 2000-01 for grants to school districts and consortia of school districts to create alternative education programs. The Department of Public Instruction (DPI) will promulgate the rules for the program and administer it. It is required to encourage rural school districts and consortia of school districts to apply for grants.

**Federal Funding.** DPI and the Department of Justice are directed to apply for federal funding for programs relating to school safety and reducing violence and disruption in schools. Each department must report to the legislature and the governor by January 1, 2001, and January 1, 2003, on its progress in applying for and obtaining federal funding.

**Research.** Act 9 directs the University of Wisconsin Board of Regents to work with the Wisconsin Technical College System Board, DPI, school districts, and private schools to present the results of research on improving school safety and reducing discipline problems in schools and at school activities.

## FOR MORE INFORMATION

For further information concerning implementation of the discipline and safety provisions, contact DPI's Office of Student Services, Prevention and Wellness at 266-8960. For copies of the relevant sections of Act 9, contact the Legislative Reference Bureau at (608) 266-0342 or use the searchable text of 1999 Wisconsin Act 9 available at <http://folio.legis.state.wi.us>.