



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2028/1
FFK:amn

2023 ASSEMBLY BILL 53

February 20, 2023 - Introduced by Representatives DUCHOW, ARMSTRONG, DONOVAN, MOSES, MURPHY, MURSAU, NEDWESKI, NOVAK, RETTINGER and SORTWELL, cosponsored by Senators JAGLER, WANGGAARD, JAMES, NASS, STROEBEL and COWLES. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to create** 115.385 (1) (e), 115.385 (1g) (g) and 118.124 of the statutes;
2 **relating to:** reporting certain crimes and other incidents that occur on school
3 property or school transportation and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Beginning in the 2024-25 school year, this bill requires public high schools and private high schools participating in a parental choice program to collect statistics on violations of municipal disorderly conduct ordinances and certain crimes, including homicide, sexual assault, burglary, battery, and arson, that occur on school property or on transportation provided by the school. The high school must collect statistics about the crime or disorderly conduct only if 1) it occurred on a weekday between the hours of 6 a.m. and 10 p.m.; 2) it is reported to law enforcement; and 3) a charge is filed or citation is issued. The bill further requires that the collected statistics be reported to the Department of Public Instruction and included on the annual school and school district accountability report. Finally, the bill clarifies that DPI may not consider crimes statistics reported by a school or school district for purposes of determining a school or school district's performance on the annual school and school district accountability report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 53**SECTION 1**

1 **SECTION 1.** 115.385 (1) (e) of the statutes is created to read:

2 115.385 (1) (e) All of the following information derived from statistics reported
3 under s. 118.124:

4 1. The total number of incidents per 100 pupils reported by the school or school
5 district.

6 2. The average total number of incidents per 100 pupils reported statewide.

7 3. The total number of incidents listed under s. 118.124 (2) (a) 1., 2., 4., and 8.
8 per 100 pupils reported by the school or school district.

9 4. The average total number of incidents listed under s. 118.124 (2) (a) 1., 2.,
10 4., and 8. per 100 pupils reported statewide.

11 **SECTION 2.** 115.385 (1g) (g) of the statutes is created to read:

12 115.385 (1g) (g) The department may not consider the statistics reported by a
13 school or school district under s. 118.124.

14 **SECTION 3.** 118.124 of the statutes is created to read:

15 **118.124 Statistics of crimes and other safety-related incidents. (1)** In
16 this section:

17 (a) “Participating private high school” means a private school participating in
18 a parental choice program under s. 118.60 or 119.23 that operates high school grades.

19 (b) “Public high school” means a public school, including a charter school, that
20 operates high school grades.

21 **(2)** (a) Subject to par. (b), beginning in the 2024–25 school year, a public high
22 school and a participating private high school shall collect and maintain statistics
23 of incidents of the following:

24 1. Homicide.

25 2. Sexual assault.

ASSEMBLY BILL 53

- 1 3. Burglary, robbery, or theft.
- 2 4. Battery, substantial battery, or aggravated battery under s. 940.19.
- 3 5. Arson.
- 4 6. Use or possession of alcohol, a controlled substance, as defined in s. 961.01
- 5 (4), or a controlled substance analog, as defined in s. 961.01 (4m).
- 6 7. Possession of a firearm in violation of s. 948.605 (2).
- 7 8. A violation of a municipal ordinance relating to disorderly conduct.
- 8 (b) The requirement under par. (a) applies only to an incident that satisfies all
- 9 of the following:
- 10 1. The incident occurred Monday to Friday between the hours of 6 a.m. and 10
- 11 p.m.
- 12 2. The incident occurred on one of the following:
- 13 a. Property owned or leased by the school district in which the public high
- 14 school is located, by the operator of the charter school, or by the governing body of
- 15 the participating private high school.
- 16 b. Transportation, including all of the methods of transportation described in
- 17 ss. 121.55 and 121.555, provided by the public high school, participating private high
- 18 school, or school district.
- 19 3. The incident was reported to law enforcement, and, as a result of the
- 20 incident, a charge was filed or a citation was issued.
- 21 **(3)** (a) Annually, each public high school in a school district other than a charter
- 22 school established under s. 118.40 (2r) or (2x) shall report the statistics collected
- 23 under sub. (2) to the school board. Annually, by July 31, each school board shall
- 24 submit to the department a report that includes the statistics reported under this
- 25 paragraph by each public high school in the school district and aggregate statistics

ASSEMBLY BILL 53**SECTION 3**

1 collected under sub. (2) for all of the public high schools in the school district other
2 than charter schools established under s. 118.40 (2r) or (2x).

3 (b) Annually, by July 31, each operator of a charter school established under
4 s. 118.40 (2r) or (2x) that operates high school grades and the governing body of each
5 participating private high school shall submit to the department the statistics the
6 operator or governing body collected under sub. (2).

7 (c) No school board, operator of a charter school established under s. 118.40 (2r)
8 or (2x), or governing body of a participating private high school may include the
9 identity of a pupil in a report under this subsection.

10 (4) The department shall promulgate rules to administer this section,
11 including a rule that requires public high schools, participating private high schools,
12 and school districts to collect and report statistics of incidents under this section in
13 accordance with the uniform crime reporting system of the department of justice.

14 (5) The department of justice shall cooperate with the department to develop
15 a reporting system under this section that incorporates the uniform crime reporting
16 system of the department of justice.

17 **SECTION 4. Initial applicability.**

18 (1) The treatment of s. 115.385 (1) (e) first applies to the school and school
19 district accountability report published for the 2024-25 school year.

20 **SECTION 5. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORT. The treatment of s.
23 115.385 (1) (e) and (1g) (g) takes effect on July 1, 2024.

24

(END)