

### Fiscal Estimate - 2017 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> <b>17-5505/1</b>	<b>Introduction Number</b> <b>SB-821</b>
<b>Description</b> rights of and protections for teachers	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b> DPI/ Erin Fath (608) 266-2804	<b>Authorized Signature</b> Erin Fath (608) 266-2804
<b>Date</b> 2/22/2018	

## Fiscal Estimate Narratives

DPI 2/22/2018

LRB Number	17-5505/1	Introduction Number	SB-821	Estimate Type	Original
<b>Description</b> rights of and protections for teachers					

### Assumptions Used in Arriving at Fiscal Estimate

This bill generally requires a law enforcement agency to report to the administrator of a school district, charter school, or private school certain information when the agency learns that a pupil who is enrolled in the school is taken into custody in connection with a felony or violent misdemeanor. The law enforcement agency must provide this information to the school within 24 hours after determining the school the pupil attends. The bill also requires the school board of a school district and the governing body of a private or charter school to notify a teacher who is working directly with a pupil who is the subject of such a record as soon as practicable and, if possible, prior to the pupil attending the teacher's class.

Finally, the bill requires the principal or administrator of a public, private, or charter school to notify a law enforcement agency within 24 hours after learning of a physical assault or violent crime towards a person by a pupil that takes place at school or at a school-sponsored activity if requested by a witness to or adult victim of the incident.

#### Notice of teacher rights and protections

This bill creates and modifies certain rights and protections for teachers and requires the Department of Public Instruction to include on its Internet site a summary of the laws governing these rights and protections, which include the following:

- The right of a teacher to remove a pupil from a classroom under certain circumstances for a period of two consecutive days.
- The right of a teacher to receive information from a school board about a pupil who was taken into custody based upon a law enforcement officer's belief that the pupil was committing or had committed a felony or violent misdemeanor.
- The right of a teacher to use reasonable and necessary force under certain circumstances.
- The right of a teacher to request a school board to schedule a suspension hearing when that teacher has requested that a pupil be suspended and the administrator of the school has denied the request. Under current law, no hearing is required to suspend a pupil.
- The right of a school district employee or teacher to receive assistance and leave benefits if the teacher is injured as a result of a physical assault or violent crime while performing work duties.
- The right of a teacher to terminate his or her contract without penalty if the teacher is a victim of a physical assault or violent crime while performing work duties.  
Civil immunity provided to a teacher under state and federal laws for certain discretionary acts.
- The right of a teacher to review, upon request, the behavioral records of a pupil enrolled in the teacher's class.

#### Records and Reporting

The bill requires each school board and independent charter school to maintain pupil behavioral records until the pupil has graduated from high school. If the pupil is no longer enrolled in a school in the school district and if the school district has not received a request to transfer the pupil's records to another school, the school district must retain the records until the pupil attains the age of 21. Current law prohibits a school board from maintaining such records for more than one year.

The bill also requires private schools participating in the Milwaukee, Racine, or statewide parental choice program to maintain behavioral records for each pupil while the pupil attends the private school for the same

period of time as is required of public schools. Current law requires such private schools to maintain a pupil's progress records while the pupil attends the private school and for at least five years after the pupil ceases to attend the school.

The bill requires a private school that is not participating in a parental choice program to maintain pupil behavioral records only if the private school has adopted a policy governing the maintenance of pupil progress records and, with one exception, for the same length of time the private school maintains the progress records. The private school is not required to maintain a pupil's behavioral records once the pupil has graduated from the private school. If a private school maintains behavioral records, the private school must keep the information confidential in the same manner as is required of a public school official who maintains behavioral records.

Lastly, the bill also requires DPI to include additional information about suspensions and expulsions in the school district report it creates for each school district, including the number of physical assaults by pupils on teachers and other school district employees, on other pupils, and on adults not employed by the school district.

Local: Indeterminate - This legislation could potentially place added administrative costs on school districts relating to reporting, personnel, recordkeeping and noticing requirements. Since resources, school environments and school safety efforts/programs vary from district to district, the costs are indeterminate.

State: Indeterminate - This bill could potentially violate Act 125 regarding seclusion and restraint and could result in increased IDEA complaints, due process, etc. and potential litigation for LEAs and the department. Due to this uncertainty, the costs are indeterminate.

### **Long-Range Fiscal Implications**