MODEL POLICY #39

REPORTING INCIDENTS OF CRIME FOR STATISTICS COLLECTION AND MAINTENANCE (WISCONSIN)

Why Adopt This Policy?

In 2023, the Wisconsin Legislature enacted Act 12, creating Wisconsin statute § 118.124. This statute requires all public and private high schools participating in the choice program to collect, maintain, and report data on specific criminal incidents. This new requirement seeks to promote transparency, improve school safety, and ensure consistent statewide reporting of school-based criminal activity.

To meet this obligation effectively, school districts should have a policy to collect and maintain the relevant data throughout the year. This ensures that compliance will be easier and more effective at the end of each year. Further, a sound policy assigns the necessary duties for compliance with the law to appropriate individuals so that by the end of each school year, the district is in the best position to comply with the law.

Policy

Intent

The Board adopts this policy to create a requirement for District Employees to file a report with the relevant school principal whenever such employee has knowledge that law enforcement responded to an incident at a district high school property during school hours, or at a district high school-sanctioned event (before or after school hours), or relating to transportation provided by the district to or from the high school. The principal will then maintain the reports for their school and provide a summary (as described in more detail below) to the superintendent to be used to ensure compliance with Wis. Stat. § 118.124.

Definitions

"District Employee" means each person employed by the district in any capacity, including but not limited to administrators, staff, teachers, counselors, aides, secretaries, cafeteria workers, and maintenance staff.

"School-sanctioned event" means an event involving students and held at the school before or after school hours.

Duties of each High School Principal

The principal of each high school in the district has the duty for that high school to oversee the collection and maintenance of reports relating to law enforcement incidents at the school. This includes collecting and maintaining any reports of crime incidents pursuant to this policy by District Employees. Each principal is responsible for making sure that accurate data for their school is collected and maintained, but the principal may delegate the tasks required of the principal under this Policy to others.

Reporting Requirement of District Employees

When any District Employee calls law enforcement or otherwise becomes aware that law enforcement has responded to an incident at a district high school property, a district high school-sanctioned event, or on district-provided transportation of students to or from the high school, the District Employee must fill out and submit a district provided form, subject to the following:

This report needs to be submitted even if the District Employee does not work directly for the high school, so long as the incident occurred at the specified locations and times.

This report must be filled out to the best of the individual's ability.

This report must be completed and submitted to the principal of the relevant high school within five (5) school days following the incident date.

Aggregation of Reports and Verification

The Principal (or their designee) shall:

Review each report submitted by a District Employee and relevant to their high school to see if the incident reported needs to be included in the crime reporting statistics pursuant to Wis. Stat. § 118.124.

Aggregate the reportable incidents each month to create an initial report pursuant to Wis. Stat. § 118.124(3).

Annually by June 1, the Principal shall review the monthly initial reports and determine whether the Principal has reason to believe that such reports are not complete. If the Principal has reason to believe that the initial monthly reports are not complete, the Principal shall send a request to the local police department under Wisconsin's Open Records Law requesting additional information to supplement or verify the initial monthly reports.

Annually, no later than June 30, provide to the Superintendent a summary report of all reportable incidents for the previous school year for their school and shall also provide separately the monthly initial reports.

Submission of Crime Statistics Report

By July 15, the Superintendent shall review the reports submitted by each high school principal (or their designee) to ensure that they comply with Wis. Stat. § 118.124(3) and then submit a summary report for the entire district to the Board that complies with Wis. Stat. § 118.124(3).

Annually, by July 31, after reviewing comments by the Board, if any, the Superintendent shall submit a report to the Department of Public Instruction that complies with Wis. Stat. § 118.124(3).

Legal Analysis — Wisconsin

Beginning in the 2024–25 school year, public high schools and private schools participating in the choice program who operate high school grades must collect and maintain statistics of specified crimes. Wis. Stat. § 118.124(2)(a). Each high school then must report the statistics to the school board, operator of a charter school, or governing body of the private school. Wis. Stat. § 118.124(3)(a–b).

By July 31 of each year, each school board, operator of a charter school, or governing body of a private school shall submit a report to the DPI that includes the statistics reported by each high school and aggregate statistics collected for all of the high schools in the district. Wis. Stat. § 118.124(3)(a–b).

High schools must collect and maintain statistics of incidents of eight crimes under Wis. Stat. § 118.124(2)(a):

(1) homicide;

(2) sexual assault;

(3) burglary, robbery, or theft;

(4) battery, substantial battery, or aggravated battery, Wis. Stat. § 940.19;

(5) arson;

(6) use or possession of alcohol, a controlled substance, as defined in Wis. Stat. § 961.01(4), or a controlled substance analog, as defined in Wis. Stat. § 961.01(4m);

(7) possession of a firearm in violation of Wis. Stat. § 948.605(2);

(8) a violation of a municipal ordinance relating to disorderly conduct.

However, high schools only need to collect, maintain, and report statistics of the above crimes if: (1) they occurred during school hours, or at a school-sanctioned event before or after school hours, or on transportation to or from school; (2) they occurred on property owned or leased by the school or school-provided transportation; and (3) a report of the incident was made to law enforcement, and the report resulted in a citation issued or charge filed. Wis. Stat. § 118.124(2)(b).

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