

School Law FYI

Complying with Reporting Requirements under 2023 Wisconsin Act 12

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This article was updated on June 10, 2025 to clarify and expound on the implications of this topic for school districts.

DPI recently issued guidance on Wis. Stat. § 118.124 (“Act 12”) [available here](#). Act 12 requires **high schools** to report data to DPI regarding specific incidents occurring on school property, which result in the filing of criminal charges or the issuing of a citation. This includes violations that occur on school property during school hours, during a school-sponsored event (before or after school), or on school transportation. DPI has clarified that the data reported will appear on school report cards but is not considered when evaluating a school’s performance or district’s improvement.

What Must Be Reported?

First, the school must determine if the incident falls under one of the following reportable categories:

1. Homicide.
2. Sexual assault.
3. Burglary, robbery, or theft.
4. Battery, substantial battery, or aggravated battery under s. 940.19.

5. Arson.
6. Use or possession of alcohol, a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).
7. Possession of a firearm in violation of s. 948.605 (2).
8. A violation of a municipal ordinance relating to disorderly conduct.

Then, the incident must also satisfy all three of the following criteria:

1. The incident occurred during one of the following:
 - a. School hours;
 - b. A school-sanctioned event that occurred before or after school hours; or
 - c. The transportation of pupils to or from school;
2. The incident occurred on one of the following:
 - a. Property owned or leased by the school district in which the public high school is located; or
 - b. Transportation provided by the public high school or school district.
3. A charge was filed or citation was issued.

In practice, a school might not have enough information to trigger the reporting requirement. For example, a school might contact the police to request assistance because a student has possession of a THC vape on school property. If the police provide the school with the police report (such as to use in potential expulsion proceedings), that document might include whether a citation was issued by the police. At that point, the school would have to report that incident. Sometimes, however, the police report might list charges that were *referred* to the district attorney's office. Referred charges do not constitute filed charges and, therefore, would not be reported. Charges are deemed "filed" when the district attorney's office files a criminal complaint (or a juvenile delinquency petition) with the circuit court. Only filed charges need to be reported under Act 12.

What Steps Must Schools Take to Collect Information on Potentially Reportable Incidents?

DPI's position is that schools must make a "good-faith effort" to comply with Act 12 by including in the report "only what is consistently feasible." The DPI guidance does a nice job of providing a road map for a variety of situations in which a school might have sufficient knowledge to report.

DPI acknowledges that in certain situations schools may not receive notice of charges or citations, or such records may be inaccessible. A school should only include incidents in the report if it does not have to resort to “guesswork, assumptions, or speculation.” Schools are not required to engage in extensive information gathering for any potentially reportable incidents. For example, obtaining information regarding charges and citations through an open records request might be “prohibitively time-consuming and difficult, especially for larger districts.” DPI’s position is that a school’s obligation to seek out additional information is generally limited to info that can be obtained from the county clerk’s office.

For example, if a county clerk or prosecutor notifies school officials that charges were filed (or a juvenile delinquency petition was filed) against an enrolled student, school officials should request a copy of the criminal complaint (or juvenile delinquency petition) from the county clerk in order to determine if the incident is reportable under Act 12.

However, there are circumstances in which the county clerk will not be able to provide information to school officials regarding the filed charges. If the county clerk cannot provide this information, schools will generally lack sufficient information to report the incident. DPI’s guidance explains in greater detail the situations in which school officials may need to contact the county clerk and the circumstances in which the county clerk is not going to be able to provide information to school officials about filed charges.

What are the Deadlines for Reporting?

Schools must report information they have received through June 30 of each year in the July 31 report to DPI. The determination of when to report an incident is based on when the school received information sufficient to determine that the incident is reportable, not when the charges were filed or when the incident occurred. If the school becomes aware of reportable information after June 30, the school will include it in the report it submits for the following school year.

Conclusion

DPI is working to promulgate emergency rules consistent with its guidance prior to the July 31 reporting deadline, which would give its guidance the force of law. Therefore, schools should familiarize themselves with DPI’s guidance, including those situations in which school officials need to contact the county clerk for additional information. One step that might make future reporting easier for school officials is to create a file and log incidents there as knowledge of them is obtained

rather than trying to review the year at the end of each year. Districts with questions about complying with Act 12 should consult the DPI guidance or reach out to a member of the [Boardman Clark School Law Practice Group](#).

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