



2025 ASSEMBLY BILL 91

February 28, 2025 - Introduced by Representatives DONOVAN, BEHNKE, BRILL, DITTRICH, GUNDRUM, KURTZ, MAXEY, MURPHY, NOVAK, O'CONNOR, TUSLER, WITTKE and KAUFERT, cosponsored by Senators WANGGAARD, FEYEN and TOMCZYK. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber and amend* 62.90 (8); *to amend* 79.02 (2) (b) and 79.02
2 (3); *to create* 62.90 (8) (c), (d) and (e), 79.02 (4) and 115.437 (2) (b) 3. of the
3 statutes; **relating to:** the requirement that first class cities and first class city
4 school districts place school resource officers in schools.

Analysis by the Legislative Reference Bureau

Current law requires, beginning January 1, 2024, the school board of a first class city school district (currently only Milwaukee Public Schools) to ensure that at least 25 school resource officers are present at schools within the school district (SRO requirement). Under current law, a “school resource officer” is a law enforcement officer who is deployed in community-oriented policing and assigned by the law enforcement agency that employs him or her to work in a full-time capacity in collaboration with a school district. Current law also requires MPS and the City of Milwaukee to agree on how to apportion the costs of meeting the SRO requirement between the two entities.

On October 8, 2024, a complaint was filed in Milwaukee County that alleged MPS is failing to comply with the SRO requirement and asked for a writ of mandamus to require compliance. On January 23, 2025, a Milwaukee County judge ordered MPS to comply with the SRO requirement on or before February 17, 2025. On February 17, 2025, the same Milwaukee County judge gave MPS an additional 10 days to comply with the January 23, 2025 order.

ASSEMBLY BILL 91**SECTION 1**

This bill requires MPS and the City of Milwaukee to apportion 75 percent of the costs of complying with the SRO requirement to MPS and 25 percent to the City of Milwaukee. The bill further requires that by no later than 30 days after the bill becomes law 1) MPS and the City of Milwaukee must enter into an agreement on how they will implement compliance with the SRO requirement and 2) MPS and the City of Milwaukee must jointly certify to the Joint Committee on Finance that at least 25 school resource officers are present in MPS schools.

Under the bill, a similar certification process is required if the initial agreement between MPS and the City of Milwaukee is terminated. First, MPS and the City of Milwaukee must enter into an agreement on how they will implement compliance with the SRO requirement within 30 days of the termination of the agreement. Second, by no later than 30 days after entering into the agreement, the City of Milwaukee must certify to JCF that at least 25 law enforcement officers are trained and available to be placed in MPS schools. Lastly, by no later than 30 days after the certification is made to JCF, MPS must certify to JCF that at least 25 school resource officers are present in MPS schools.

The bill also creates financial consequences for both the City of Milwaukee and MPS if these requirements are not met. Specifically, the bill directs the Department of Administration to withhold 10 percent of the supplemental county and municipal aid to the City of Milwaukee if evidence is not provided of an agreement between the city and MPS or if the City of Milwaukee fails to certify to JCF, by no later than 30 days after the bill becomes law, that at least 25 school resource officers are present in MPS schools and, if a new agreement is entered into in the future, that 25 law enforcement officers are trained and available to be placed in MPS schools. Similarly, the bill requires the Department of Public Instruction to withhold 20 percent of the per pupil categorical aid payment owed to MPS if evidence is not provided of an agreement between the City of Milwaukee and MPS or if MPS fails to certify to JCF by no later than 30 days after the bill becomes law and, if required in the future due to a new agreement, that at least 25 school resource officers are present in MPS schools.

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:

1 **SECTION 1.** 62.90 (8) of the statutes is renumbered 62.90 (8) (b) and amended
2 to read:

3 62.90 (8) (b) Beginning January 1, 2024, the school board of the 1st class city
4 school district that is located in the 1st class city shall ensure that not fewer than 25
5 school resource officers are present at schools within the school district during

ASSEMBLY BILL 91**SECTION 1**

1 normal school hours and that school resource officers are available during before-
2 school and after-school care, extracurricular activities, and sporting events as
3 needed. In addition, beginning January 1, 2024, the school board of the 1st class
4 city school district that is located in the 1st class city shall ensure that the school
5 resource officers complete the 40-hour course sponsored by the National Association
6 of School Resource Officers. Beginning in the 2025-26 school year, the school board
7 of the 1st class city school district that is located in the 1st class city shall consider
8 the statistics it receives under s. 118.124 (3) (a) when deciding at which schools to
9 place school resource officers required under this subsection. The 1st class city
10 school district and the 1st class city shall ~~agree to an apportionment of~~ apportion 75
11 percent of the costs of meeting the requirements of this subsection to the 1st class
12 city school district and 25 percent of the costs of meeting the requirements of this
13 subsection to the 1st class city.

14 (a) In this subsection, ~~“law;~~

15 1. “Law enforcement officer” means a person who is employed by the state or
16 a political subdivision of the state for the purpose of detecting and preventing crime
17 and enforcing laws or ordinances and who is authorized to make arrests for
18 violations of the laws or ordinances that the person is employed to enforce, ~~and~~
19 ~~“school.~~

20 2. “School resource officer” means a law enforcement officer who is deployed
21 in community-oriented policing and assigned by the law enforcement agency, as
22 defined in s. 165.83 (1) (b), that employs him or her to work in a full-time capacity in
23 collaboration with a school district.

24 **SECTION 2.** 62.90 (8) (c), (d) and (e) of the statutes are created to read:

ASSEMBLY BILL 91**SECTION 2**

1 62.90 (8) (c) The 1st class city and the school board of the 1st class city school
2 district shall enter into an agreement to implement the requirements under par.
3 (b), and if an agreement under this paragraph terminates, the 1st class city and the
4 school board of the 1st class city school district shall enter into an agreement under
5 this paragraph no later than 30 days after the termination.

6 (d) By no later than 30 days after an agreement is reached under par. (c), the
7 1st class city shall certify to the joint committee on finance that at least 25 law
8 enforcement officers are trained and available to be placed by the school board of
9 the 1st class city school district in schools within the 1st class city school district.

10 (e) By no later than 30 days after the certification is made under par. (d), the
11 school board of the 1st class city school district shall certify to the joint committee
12 on finance that at least 25 school resource officers are present in schools within the
13 school district.

14 **SECTION 3.** 79.02 (2) (b) of the statutes is amended to read:

15 79.02 (2) (b) Subject to sub. (4) and ss. 59.605 (4) and 70.995 (14) (b),
16 payments in July shall equal 15 percent of the municipality's or county's estimated
17 payments under ss. 79.035, 79.036, 79.037, 79.038, 79.039, and 79.04 and 100
18 percent of the municipality's estimated payments under s. 79.05. Upon
19 certification by the department of revenue, the estimated payment under s. 79.05
20 may be distributed before the 4th Monday in July.

21 **SECTION 4.** 79.02 (3) of the statutes is amended to read:

22 79.02 (3) Subject to sub. (4) and s. 59.605 (4), payments to each municipality
23 and county in November shall equal that municipality's or county's entitlement
24 under ss. 79.035, 79.036, 79.037, 79.038, 79.039, 79.04, and 79.05 for the current

ASSEMBLY BILL 91**SECTION 4**

1 year, minus the amount distributed to the municipality or county under sub. (2) (b)
2 and minus any amount withheld under sub. (4).

3 **SECTION 5.** 79.02 (4) of the statutes is created to read:

4 79.02 (4) (a) For the distribution in 2025 and subsequent years, if a
5 municipality that is subject to the requirement under s. 62.90 (8) (c) does not
6 provide evidence to the department of administration that it has entered into an
7 agreement with the school board of a 1st class city school district by the deadline
8 provided in s. 62.90 (8) (c), the department of administration shall withhold 10
9 percent of the municipality's total of payments under s. 79.037 until the
10 municipality provides evidence to the department of administration that it is in
11 compliance with s. 62.90 (8) (c).

12 (b) For the distribution in 2025 and subsequent years, if a municipality has
13 entered into an agreement required under s. 62.90 (8) (c) and does not provide
14 certification to the joint committee on finance under s. 62.90 (8) (d) by the deadline
15 provided in that paragraph, the department of administration shall withhold 10
16 percent of the municipality's total of payments under s. 79.037 until the
17 municipality makes the certification required under s. 62.90 (8) (d).

18 **SECTION 6.** 115.437 (2) (b) 3. of the statutes is created to read:

19 115.437 (2) (b) 3. Annually, on the 4th Monday of March, the department
20 shall withhold aid under par. (a) from a 1st class city school district as follows:

21 a. If the school board of the 1st class city school district does not provide
22 evidence to the department that it has entered into an agreement with the 1st class
23 city as required under s. 62.90 (8) (c), the department shall withhold aid in an
24 amount equal to 20 percent of the amount calculated under par. (a) until the school

ASSEMBLY BILL 91**SECTION 6**

1 board of the 1st class city school district provides evidence to the department that is
2 in compliance with s. 62.90 (8) (c).

3 b. If a certification is made under s. 62.90 (8) (d) and the school board of the
4 1st class city school district has not made the certification required under s. 62.90
5 (8) (e) by the deadline provided in that paragraph, the department shall withhold
6 aid in an amount equal to 20 percent of the amount calculated under par. (a) until
7 the school board of the 1st class city school district makes the certification required
8 under s. 62.90 (8) (e).

9 **SECTION 7. Nonstatutory provisions.**

10 (1) INITIAL AGREEMENT AND CERTIFICATIONS.

11 (a) *Deadline.* Notwithstanding s. 62.90 (8) (d) and (e), by no later than 30 days
12 after the effective date of this subsection, a 1st class city and the school board of the
13 1st class city school district shall do all of the following:

14 1. Enter into an agreement to implement the requirements under s. 62.90 (8)
15 (b).

16 2. Jointly certify to the joint committee on finance that at least 25 school
17 resource officers, as defined in s. 62.90 (8) (a) 2., are present in schools within the
18 1st class city school district.

19 (b) *School district consequences.* For purposes of withholding per pupil aid
20 under s. 115.437 (2) (b) 3. in the school year beginning after the effective date of this
21 paragraph, a failure by the school board of a 1st class city to comply with par. (a) 1.
22 by the deadline provided in par. (a) is considered a failure to provide evidence to the
23 department that it has entered into an agreement with the 1st class city as
24 required under s. 62.90 (8) (c) and a failure by the school board of a 1st class city to

ASSEMBLY BILL 91

comply with par. (a) 2. by the deadline provided in par. (a) is considered a failure to make the certification required under s. 62.90 (8) (e) by the deadline provided in s. 62.90 (8) (e).

(c) *First class city.* For purposes of withholding supplemental county and municipal aid under s. 79.02 (4) for the distribution for 2025, a failure by a 1st class city to comply with par. (a) 1. by the deadline provided in par. (a) is considered a failure to provide evidence to the department of administration that it has entered into an agreement with the 1st class city school district as required under s. 62.90 (8) (c) and a failure by a 1st class city to comply with par. (a) 2. by the deadline provided in par. (a) is considered a failure to make the certification required under s. 62.90 (8) (d) by the deadline provided in s. 62.90 (8) (d).

(END)