



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 843

Senate Substitute Amendment 2

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2017 ASSEMBLY BILL 843

Assembly Bill 843 is a Law Revision Committee bill suggested as remedial legislation by the Department of Public Instruction (DPI). The bill repeals outdated or expired DPI reporting requirements and an expired provision relating to open enrollment of students into other school districts. The bill also repeals authority for a school board eligible for special transfer aid under subch. VI of ch. 121, Stats. (commonly known as “Chapter 220 Aid”), to reject an open enrollment application if the transfer would increase racial imbalance in the district; a provision deemed unconstitutional in a 2007 Wisconsin Attorney General opinion.

Finally, the bill adds a missing statutory cross-reference to give effect to a change made by 2017 Wisconsin Act 107 to require all school districts to condition employment of school district employees on a physical exam, including a tuberculosis screening questionnaire, by eliminating an exception that previously existed for Milwaukee Public Schools.

SENATE SUBSTITUTE AMENDMENT 2

Senate Substitute Amendment 2 (“the substitute amendment”) incorporates all provisions from Assembly Bill 843, and also creates an Office of School Safety, establishes school safety grants, makes changes related to school safety plans, and requires mandatory reporting of threats of school violence.

Office of School Safety

The substitute amendment creates an Office of School Safety within the Department of Justice (DOJ), and creates a 1.0 FTE director position appointed by the Attorney General. The substitute amendment tasks the Office of School Safety with: (1) creating model practices for school safety, in conjunction with DPI and after consultation with the Wisconsin School Safety

Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center; (2) compiling school blueprints and geographic information system (GIS) maps, in coordination with schools and the Department of Administration; and (3) offering training to school staff on school safety, which may be provided either by DOJ or by a contracted party.

The school safety training offered by DOJ may include information regarding trauma informed care and how adverse childhood experiences impact a child's development and increase needs for counseling and support. DOJ may charge a school for the safety training, if the school receives school safety grant funds (addressed in the following section) for the training.

The substitute amendment also requires schools to submit specified information to the Office of School Safety. Every school board, governing body of a private school, and operator of a charter school must provide blueprints of each school building and facility to the Office of School Safety, and to local law enforcement agencies, by July 1, 2018. Every school board and governing body of a private school must also file by January 1, 2019, and before each January 1 thereafter, the following items with the Office of School Safety:

- A copy of its school safety plan.
- The date of the required annual safety drill held during the previous year.
- Certification that the school board or governing body reviewed a required written evaluation of the drills.
- The date of the most recent school training on school safety and the number of attendees.
- The most recent date on which the school board or governing body consulted with a local law enforcement agency to conduct required, on-site safety assessments.

School Safety Grants

The substitute amendment creates school safety grants and appropriates **\$100 million** in GPR funding for this purpose under a continuing appropriation. The substitute amendment requires DOJ to award the grants for expenditures related to improving school safety. DOJ must accept grant applications from public schools, private schools, independent charter schools, and tribal schools. DOJ must also develop a plan for awarding the grants, in consultation with DPI, and must include a description of what types of expenditures are eligible to be funded by grant proceeds. This plan is exempt from rule-making requirements.

The substitute amendment specifies certain eligible expenditures, but does not otherwise limit DOJ authority to determine how grants are awarded or what expenditures are eligible. Eligible expenditures explicitly include expenditures for compliance with DOJ model practices for school safety; expenditures for DOJ school safety training; expenditures for safety-related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with requirements to submit school blueprints to law enforcement and the Office of School Safety.

The substitute amendment requires grant applications to include: (1) a school safety plan; (2) blueprints of each school building or facility, or a certification that previously submitted blueprints are current; and (3) a proposed plan of expenditure of the grant moneys. The substitute amendment also requires DOJ to submit an annual report to the Joint Finance Committee co-chairs regarding awarded grants and expenditures made with the grants.

School Safety Plans

The substitute amendment makes changes to current law relating to school safety plans. Presently, every public and private school must have a school safety plan in effect that is created with active participation of appropriate parties, which may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, and mental health professionals, and must review the plan every three years. The substitute amendment provides that the parties participating in plan creation may also include DOJ, and requires a school board or governing body to approve a school safety plan at least once every three years.

Content of School Safety Plans

The substitute amendment imposes additional requirements for what must be included in a school safety plan, beyond what is currently required. The amendment requires an individualized safety plan for each school building and facility that is regularly occupied by students, including any real property related to the building or facility that is regularly occupied by students. A plan must also include guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student reunification, and threats to non-classroom events (e.g., recess, athletic events, and concerts).

The substitute amendment also prohibits school boards and governing bodies from including certain items in a school safety plan. A plan cannot: (1) require an employee to contact a school administrator, school official, or other person before calling "911"; (2) prohibit an employee from reporting school violence or a threat directly to a law enforcement agency; or (3) prohibit an employee from reporting a suspicious individual or activity directly to a law enforcement agency.

On-Site Safety Assessments

The substitute amendment requires public and private schools to conduct an on-site safety assessment, in consultation with a local law enforcement agency, of each school building, site, and facility that is regularly occupied by students. The on-site assessment must be conducted before a school board or governing body creates or updates a school safety plan. The assessment must include playgrounds, athletic facilities or fields, and any other property occupied by students on a regular basis.

School Violence Drills

The substitute amendment requires public and private schools to conduct annual drills in the proper response to a school violence event in accordance with the school safety plan for that school building. The person in charge of a particular school building must submit a brief

written evaluation of the drill to the school board or governing body within 30 days, and the board or governing body must review the evaluation. A drill regarding a school violence event may be substituted for other required drills relating to fire, tornado or other hazards, or school safety incidents.

Mandatory Reporting of School Violence Threats

The substitute amendment imposes mandatory reporting of school violence threats by certain individuals, including teachers, school administrators, school counselors, other school employees, physicians, and other medical and mental health professionals.¹ Specifically, an identified individual must report if the person believes in good faith, based on a threat made by an individual seen in the course of professional duties regarding violence in or targeted at a school, that there is a serious and imminent threat to the health and safety of a student, school employee, or the public. These individuals must immediately inform a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat.

The substitute amendment provides immunity from civil or criminal liability for any person or institution making a report in good faith, as well as immunity for health care providers who do not report based on a good faith belief and their professional judgment that a report is not required. The substitute amendment also creates an exemption from mandatory reporting for members of the clergy if certain conditions are met. The substitute amendment mandates that school boards require employees to receive training regarding mandatory reporting of school violence threats, in addition to training regarding mandatory reporting of suspected child abuse and neglect required under current law.

The mandatory reporting created by the substitute amendment applies to threats of violence against public, private, or tribal elementary or secondary schools. An intentional violation of the reporting requirement is an unclassified misdemeanor, subject to a fine of \$1,000 or less, imprisonment of six months or less, or both.

BILL HISTORY

Senate Substitute Amendment 2 was offered by Senator Fitzgerald on March 20, 2018. On that date, the Senate adopted Senate Substitute Amendment 2 on a voice vote, and then concurred in Assembly Bill 843, as amended, on a vote of Ayes, 28; Noes, 4.

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¹ The full list of individuals required to report threats of school violence under the substitute amendment can be found in s. 48.981 (2) (a), Stats. The same individuals are also mandatory reporters of suspected child abuse and neglect under current law.