



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0410/2
FFK/CMH/TJD/EHS:all

**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 843**

March 20, 2018 - Offered by Senator FITZGERALD.

1 **AN ACT** *to repeal* 118.07 (4) (a) 2.; *to renumber and amend* 118.07 (4) (a) 1.;
2 *to amend* 51.17 (2), 118.07 (4) (b), 118.07 (4) (d), 118.07 (5), 118.126 (1) (c),
3 118.126 (2), 904.085 (4) (d), 905.045 (4) and 905.06 (4); and *to create* 15.253 (3),
4 20.455 (2) (f), 20.455 (2) (im), 20.923 (4) (c) 6., 118.07 (4) (bm) 1., 118.07 (4) (bm)
5 3., 118.07 (4) (cf), 118.07 (4) (cm), 118.07 (4) (cp), 118.07 (4) (e), 146.816 (2) (b)
6 5., 165.28, 165.88, 175.32, 230.08 (2) (wc) and 905.04 (4) (em) of the statutes;
7 **relating to:** school safety; providing an exemption from rule-making
8 procedures; providing a criminal penalty; and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

9 **SECTION 1.** 15.253 (3) of the statutes is created to read:
10 15.253 (3) OFFICE OF SCHOOL SAFETY. There is created an office of school safety.
11 The director of the office shall be appointed by the attorney general.

1 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2017-18	2018-19
3 20.455 Justice, department of		
4 (2) LAW ENFORCEMENT SERVICES		
5 (f) School safety	GPR C 100,000,000	-0-

6 SECTION 3. 20.455 (2) (f) of the statutes is created to read:
7 20.455 (2) (f) *School safety.* As a continuing appropriation, the amounts in the
8 schedule to provide grants under s. 165.88 (2).

9 SECTION 4. 20.455 (2) (im) of the statutes is created to read:
10 20.455 (2) (im) *Training to school staff.* All moneys received from fees collected
11 under s. 165.28 (3) to provide training to school staff under s. 165.28 (3).

12 SECTION 5. 20.923 (4) (c) 6. of the statutes is created to read:
13 20.923 (4) (c) 6. Justice, department of: director of the office of school safety.

14 SECTION 6. 51.17 (2) of the statutes, as created by 2017 Wisconsin Act 140, is
15 amended to read:

16 51.17 (2) AUTHORIZATION. Any health care provider, as permitted by s. 146.816
17 (2) (b) 4. or 5., and any law enforcement officer may make a disclosure of information
18 evidencing that an individual poses a substantial probability of serious bodily harm
19 to any other person in a good faith effort to prevent or lessen a serious and imminent
20 threat to the health or safety of a person or the public.

21 SECTION 7. 118.07 (4) (a) 1. of the statutes is renumbered 118.07 (4) (a) and
22 amended to read:

1 118.07 (4) (a) Each school board and the governing body of each private school
2 shall have in effect a school safety plan for each public or private school in the school
3 district within 3 years of May 27, 2010.

4 **SECTION 8.** 118.07 (4) (a) 2. of the statutes is repealed.

5 **SECTION 9.** 118.07 (4) (b) of the statutes is amended to read:

6 118.07 (4) (b) A school safety plan shall be created with the active participation
7 of appropriate parties, as specified by the school board or governing body of the
8 private school. The appropriate parties may include the department of justice, local
9 law enforcement officers, fire fighters, school administrators, teachers, pupil
10 services professionals, as defined in s. 118.257 (1) (c), and mental health
11 professionals. Before creating or updating a school safety plan, a school board or
12 governing body of a private school shall, in consultation with a local law enforcement
13 agency, conduct an on-site safety assessment of each school building, site, and
14 facility that is regularly occupied by pupils. The on-site assessment shall include
15 playgrounds, athletic facilities or fields, and any other property that is occupied by
16 pupils on a regular basis.

17 **(bm)** A school safety plan shall include ~~general~~ all of the following:

18 2. General guidelines specifying procedures for emergency prevention and
19 mitigation, preparedness, response, and recovery. ~~The plan shall also specify the~~

20 4. The process for reviewing the methods for conducting drills required to
21 comply with the plan.

22 **SECTION 10.** 118.07 (4) (bm) 1. of the statutes is created to read:

23 118.07 (4) (bm) 1. An individualized safety plan for each school building and
24 facility that is regularly occupied by pupils. The individualized safety plan shall

1 include any real property related to the school building or facility that is regularly
2 occupied by pupils.

3 **SECTION 11.** 118.07 (4) (bm) 3. of the statutes is created to read:

4 118.07 (4) (bm) 3. Guidelines and procedures to address school violence and
5 attacks, threats of school violence and attacks, bomb threats, fire, weather-related
6 emergencies, intruders, parent-student reunification, and threats to non-classroom
7 events, including recess, concerts and other performances, athletic events, and any
8 other extracurricular activity or event.

9 **SECTION 12.** 118.07 (4) (cf) of the statutes is created to read:

10 118.07 (4) (cf) Upon the creation of a school safety plan under par. (a) and upon
11 each review of a school safety plan under par. (d), a school board shall submit a copy
12 of the most recent blueprints of each school building and facility in the school district
13 to each local law enforcement agency with jurisdiction over any portion of the school
14 district and to the office of school safety. Upon the creation of a school safety plan
15 under par. (a) and upon each review of a safety plan under par. (d), a governing body
16 of a private school shall submit a copy of the most recent blueprints of the private
17 school and all of its facilities to each local law enforcement agency with jurisdiction
18 over the private school and to the office of school safety.

19 **SECTION 13.** 118.07 (4) (cm) of the statutes is created to read:

20 118.07 (4) (cm) Neither a school board nor a governing body of a private school
21 may include in a school safety plan any of the following:

22 1. A requirement for an employee to contact a school administrator, school
23 official, or any other person before calling the telephone number "911".

24 2. A prohibition against an employee reporting school violence or a threat of
25 school violence directly to a law enforcement agency.

1 3. A prohibition against an employee reporting a suspicious individual or
2 activity directly to a law enforcement agency.

3 **SECTION 14.** 118.07 (4) (cp) of the statutes is created to read:

4 118.07 (4) (cp) Each school board and the governing body of each private school
5 shall ensure that, at each school building regularly occupied by pupils, pupils are
6 drilled, at least annually, in the proper response to a school violence event in
7 accordance with the school safety plan in effect for that school building. The person
8 having direct charge of the school building at which a drill is held under this
9 paragraph shall submit a brief written evaluation of the drill to the school board or
10 governing body of the private school within 30 days of holding the drill. The school
11 board or governing body of the private school shall review all written evaluation
12 submitted under this paragraph. A drill under this paragraph may be substituted
13 for a school safety drill required under sub. (2) (a).

14 **SECTION 15.** 118.07 (4) (d) of the statutes is amended to read:

15 118.07 (4) (d) Each school board and the governing body of each private school
16 shall review and approve the school safety plan at least once every 3 years after the
17 plan goes into effect.

18 **SECTION 16.** 118.07 (4) (e) of the statutes is created to read:

19 118.07 (4) (e) Before January 1, 2019, and before each January 1 thereafter,
20 each school board and the governing body of each private school shall file a copy of
21 its school safety plan with the office of school safety. At the time a school board or
22 governing body files a school safety plan, the school board or governing body shall
23 also submit all of the following to the office of school safety:

24 1. The date of the annual drill or drills under par. (cp) held during the previous
25 year.

1 2. Certification that a written evaluation of the drill or drills under par. (cp) was
2 reviewed by the school board or governing body under par. (cp).

3 3. The date of the most recent school training on school safety required under
4 par. (c) and the number of attendees.

5 4. The most recent date on which the school board or governing body reviewed
6 and approved the school safety plan.

7 5. The most recent date on which the school board or governing body consulted
8 with a local law enforcement agency to conduct on-site safety assessments required
9 under par. (b).

10 **SECTION 17.** 118.07 (5) of the statutes is amended to read:

11 118.07 (5) Each school board shall require every employee of the school district
12 governed by the school board to receive training provided by the department in
13 identifying children who have been abused or neglected ~~and~~, in the laws and
14 procedures under s. 48.981 governing the reporting of suspected or threatened child
15 abuse and neglect, and in the laws under s. 175.32 governing the reporting of a threat
16 of violence. A school district employee shall receive that training within the first 6
17 months after commencing employment with the school district and at least once
18 every 5 years after that initial training.

19 **SECTION 18.** 118.126 (1) (c) of the statutes is amended to read:

20 118.126 (1) (c) The information is required to be reported under s. 48.981 or
21 175.32.

22 **SECTION 19.** 118.126 (2) of the statutes is amended to read:

23 118.126 (2) A school psychologist, counselor, social worker, or nurse, or any
24 teacher or administrator designated by the school board who engages in alcohol or
25 drug abuse program activities, who in good faith discloses or fails to disclose

1 information under sub. (1) is immune from civil liability for such acts or omissions.
2 This subsection does not apply to information required to be reported under s. 48.981
3 or 175.32.

4 **SECTION 20.** 146.816 (2) (b) 5. of the statutes is created to read:

5 146.816 (2) (b) 5. For purposes of disclosing under s. 175.32 any threat made
6 by a patient regarding violence in or targeted at a school in a good faith effort to
7 prevent or lessen a serious and imminent threat to the health or safety of a student
8 or school employee or the public.

9 **SECTION 21.** 165.28 of the statutes is created to read:

10 **165.28 Office of school safety.** The office of school safety shall do all of the
11 following:

12 (1) In conjunction with the department of public instruction, create model
13 practices for school safety. The department of public instruction shall provide any
14 resources or staff requested by the office to create the model practices. The office
15 shall also consult the Wisconsin School Safety Coordinators Association and the
16 Wisconsin Safe and Healthy Schools Training and Technical Assistance Center.

17 (2) Coordinate with schools under s. 118.07 (4) (cf) and the department of
18 administration to compile blueprints and geographic information system maps for
19 all schools. The office shall keep all blueprints and maps confidential unless a law
20 enforcement agency requests access to the blueprints or maps.

21 (3) Offer, or contract with another party to offer, training to school staff on
22 school safety. Training subjects may include trauma informed care and how adverse
23 childhood experiences have an impact on a child's development and increase needs
24 for counseling or support. If a school receives under s. 165.88 (2) (b) a grant for the
25 training under this subsection, the office may charge a fee for the training.

1 **SECTION 22.** 165.88 of the statutes is created to read:

2 **165.88 Grants for school safety. (1) DEFINITIONS.** In this section:

3 (a) “Independent charter school” means a charter school established under s.
4 118.40 (2r) or (2x).

5 (b) “Private school” has the meaning given in s. 115.001 (3r).

6 (c) “School board” has the meaning given in s. 115.001 (7).

7 (d) “Tribal school” has the meaning given in s. 115.001 (15m).

8 **(2) GRANTS FOR SCHOOL SAFETY.** (a) From the appropriation under s. 20.455 (2)
9 (f), the department of justice shall award grants for expenditures related to
10 improving school safety. The department shall accept applications for a grant under
11 this subsection from school boards, operators of independent charter schools,
12 governing bodies of private schools, and tribal schools.

13 (b) The department of justice, in consultation with the department of public
14 instruction, shall develop a plan for use in awarding grants under this subsection.
15 The department of justice shall include in the plan a description of what types of
16 expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall
17 include expenditures to comply with the model practices created in s. 165.28 (1);
18 expenditures for training under s. 165.28 (3); expenditures for safety-related
19 upgrades to school buildings, equipment, and facilities; and expenditures necessary
20 to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10 (1), the plan need not be
21 promulgated as rules under ch. 227.

22 **(3) APPLICATION REQUIREMENTS.** An application submitted for a grant under sub.
23 (2) shall include all of the following:

24 (a) A school safety plan.

1 (b) Blueprints of each school building and facility or, if blueprints were already
2 submitted, a certification that the blueprints submitted are current.

3 (c) A proposed plan of expenditure of the grant moneys.

4 **(4) REPORT.** The department of justice shall submit an annual report to the
5 cochairpersons of the joint committee on finance providing an account of the grants
6 awarded under sub. (2) and the expenditures made with the grant moneys.

7 **SECTION 23.** 175.32 of the statutes is created to read:

8 **175.32 School violence. (1)** In this section:

9 (a) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b) and
10 includes a tribal law enforcement agency, as defined in s. 165.83 (1) (e).

11 (b) “Member of the clergy” has the meaning given in s. 48.981 (1) (cx).

12 (c) “School” means a public, private, or tribal elementary or secondary school.

13 **(2) (a)** Any person listed under s. 48.981 (2) (a) shall report as provided in sub.
14 (3) if the person believes in good faith, based on a threat made by an individual seen
15 in the course of professional duties regarding violence in or targeted at a school, that
16 there is a serious and imminent threat to the health or safety of a student or school
17 employee or the public.

18 (b) A court-appointed special advocate under s. 48.236 shall report as provided
19 under sub. (3) if he or she believes in good faith, based on a threat made by a child
20 seen in the course of activities under s. 48.236 (3) regarding violence in or targeted
21 at a school, that there is a serious and imminent threat to the health or safety of a
22 student or school employee or the public.

23 (c) 1. Except as provided in subd. 2., a member of the clergy shall report as
24 provided in sub. (3) if the member of the clergy believes in good faith, based on a
25 threat of violence made by an individual seen in the course of professional duties,

1 that there is a serious and imminent threat to the health or safety of a person or the
2 public.

3 2. A member of the clergy is not required to report a threat of violence that he
4 or she receives solely through confidential communications made to him or her
5 privately or in a confessional setting if he or she is authorized to hear or is
6 accustomed to hearing such communications and, under the disciplines, tenets, or
7 traditions of his or her religion, has a duty or is expected to keep those
8 communications secret. Those disciplines, tenets, or traditions need not be in
9 writing.

10 (3) A person required to report under sub. (2) shall immediately inform, by
11 telephone or personally, a law enforcement agency of the facts and circumstances
12 contributing to the belief that there is a serious and imminent threat to the health
13 or safety of a student or school employee or the public.

14 (4) Any person or institution participating in good faith in the making of a
15 report under this section shall have immunity from any liability, civil or criminal,
16 that results by reason of the action. Any health care provider, as defined in s. 146.81
17 (1), who believes in good faith and in his or her professional judgment that a report
18 is not required under this section shall have immunity from any civil liability or
19 criminal penalty for not making such a report. For the purpose of any proceeding,
20 civil or criminal, the good faith of any person reporting under this section shall be
21 presumed.

22 (5) Whoever intentionally violates this section by failure to report as required
23 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

24 **SECTION 24.** 230.08 (2) (wc) of the statutes is created to read:

1 230.08 (2) (wc) The director of the office of school safety in the department of
2 justice.

3 **SECTION 25.** 904.085 (4) (d) of the statutes is amended to read:

4 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
5 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or
6 reporting nonidentifying information for statistical, research, or educational
7 purposes does not violate this section.

8 **SECTION 26.** 905.04 (4) (em) of the statutes is created to read:

9 905.04 (4) (em) *School violence.* There is no privilege for information contained
10 in a report of a threat of violence in or targeted at a school that is provided under s.
11 175.32 (3).

12 **SECTION 27.** 905.045 (4) of the statutes is amended to read:

13 905.045 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning
14 child abuse that a victim advocate is required to make under s. 48.981 or concerning
15 a threat of violence in or targeted at a school that a victim advocate is required to
16 make under s. 175.32.

17 **SECTION 28.** 905.06 (4) of the statutes is amended to read:

18 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning
19 observations or information that a member of the clergy, as defined in s. 48.981 (1)
20 (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2)
21 (bm) or as a threat of violence in or targeted at a school under s. 175.32.

22 **SECTION 29. Nonstatutory provisions.**

23 (1) OFFICE OF SCHOOL SAFETY; POSITION AUTHORIZATION. There is authorized for
24 the office of school safety in the department of justice 1.0 FTE GPR director position.

25 (2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

