



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0428/1
FFK/CMH/TJD/EHS:all

**SENATE SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 843**

March 20, 2018 - Offered by Senator FITZGERALD.

1 **AN ACT** *to repeal* 115.33 (4), 118.035 (5), 118.07 (4) (a) 2., 118.38 (4), 118.51 (4)
2 (a) 4., 118.51 (6), 118.51 (7) (a) and 121.91 (5) (b); *to renumber* 118.51 (7) (b)
3 and 121.91 (5) (a); *to renumber and amend* 118.07 (4) (a) 1.; *to amend* 51.17
4 (2), 115.28 (43), 118.07 (4) (b), 118.07 (4) (d), 118.07 (5), 118.126 (1) (c), 118.126
5 (2), 118.51 (3) (a) 4., 118.51 (9), 118.57 (2), 119.04 (1), 904.085 (4) (d), 905.045
6 (4) and 905.06 (4); and *to create* 15.253 (3), 20.455 (2) (f), 20.455 (2) (im), 20.923
7 (4) (c) 6., 118.07 (4) (bm) 1., 118.07 (4) (bm) 3., 118.07 (4) (cf), 118.07 (4) (cm),
8 118.07 (4) (cp), 118.07 (4) (e), 146.816 (2) (b) 5., 165.28, 165.88, 175.32, 230.08
9 (2) (wc) and 905.04 (4) (em) of the statutes; **relating to:** school safety; open
10 enrollment; repealing outdated or expired reporting requirements;
11 tuberculosis screening; providing an exemption from rule-making procedures;
12 providing a criminal penalty; and making appropriations.

1 to any other person in a good faith effort to prevent or lessen a serious and imminent
2 threat to the health or safety of a person or the public.

3 **SECTION 6j.** 115.28 (43) of the statutes is amended to read:

4 115.28 (43) SCHOOL SAFETY FUNDING. With the department of justice, seek and
5 apply for federal funds relating to school safety and reducing violence and disruption
6 in schools, including funds for alternative schools or programs. ~~Each department~~
7 ~~shall make a report by January 1, 2001, and January 1, 2003, of its progress in~~
8 ~~applying for and obtaining funds under this subsection. The report shall be provided~~
9 ~~to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons~~
10 ~~of the joint committee on finance and to the governor.~~

11 **SECTION 6p.** 115.33 (4) of the statutes is repealed.

12 **SECTION 6r.** 118.035 (5) of the statutes is repealed.

13 **SECTION 7.** 118.07 (4) (a) 1. of the statutes is renumbered 118.07 (4) (a) and
14 amended to read:

15 118.07 (4) (a) Each school board and the governing body of each private school
16 shall have in effect a school safety plan ~~for each public or private school in the school~~
17 ~~district within 3 years of May 27, 2010.~~

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 of the statutes is repealed.

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

20 118.07 (4) (b) A school safety plan shall be created with the active participation
21 of appropriate parties, as specified by the school board or governing body of the
22 private school. The appropriate parties may include the department of justice, local
23 law enforcement officers, fire fighters, school administrators, teachers, pupil
24 services professionals, as defined in s. 118.257 (1) (c), and mental health
25 professionals. Before creating or updating a school safety plan, a school board or

1 governing body of a private school shall, in consultation with a local law enforcement
2 agency, conduct an on-site safety assessment of each school building, site, and
3 facility that is regularly occupied by pupils. The on-site assessment shall include
4 playgrounds, athletic facilities or fields, and any other property that is occupied by
5 pupils on a regular basis.

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

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

9 4. The process for reviewing the methods for conducting drills required to
10 comply with the plan.

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

12 118.07 (4) (bm) 1. An individualized safety plan for each school building and
13 facility that is regularly occupied by pupils. The individualized safety plan shall
14 include any real property related to the school building or facility that is regularly
15 occupied by pupils.

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

17 118.07 (4) (bm) 3. Guidelines and procedures to address school violence and
18 attacks, threats of school violence and attacks, bomb threats, fire, weather-related
19 emergencies, intruders, parent-student reunification, and threats to non-classroom
20 events, including recess, concerts and other performances, athletic events, and any
21 other extracurricular activity or event.

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

23 118.07 (4) (cf) Upon the creation of a school safety plan under par. (a) and upon
24 each review of a school safety plan under par. (d), a school board shall submit a copy
25 of the most recent blueprints of each school building and facility in the school district

1 to each local law enforcement agency with jurisdiction over any portion of the school
2 district and to the office of school safety. Upon the creation of a school safety plan
3 under par. (a) and upon each review of a safety plan under par. (d), a governing body
4 of a private school shall submit a copy of the most recent blueprints of the private
5 school and all of its facilities to each local law enforcement agency with jurisdiction
6 over the private school and to the office of school safety.

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

8 118.07 (4) (cm) Neither a school board nor a governing body of a private school
9 may include in a school safety plan any of the following:

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

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

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

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

17 118.07 (4) (cp) Each school board and the governing body of each private school
18 shall ensure that, at each school building regularly occupied by pupils, pupils are
19 drilled, at least annually, in the proper response to a school violence event in
20 accordance with the school safety plan in effect for that school building. The person
21 having direct charge of the school building at which a drill is held under this
22 paragraph shall submit a brief written evaluation of the drill to the school board or
23 governing body of the private school within 30 days of holding the drill. The school
24 board or governing body of the private school shall review all written evaluation

1 submitted under this paragraph. A drill under this paragraph may be substituted
2 for a school safety drill required under sub. (2) (a).

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

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

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

8 118.07 (4) (e) Before January 1, 2019, and before each January 1 thereafter,
9 each school board and the governing body of each private school shall file a copy of
10 its school safety plan with the office of school safety. At the time a school board or
11 governing body files a school safety plan, the school board or governing body shall
12 also submit all of the following to the office of school safety:

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

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

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

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

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

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

1 118.07 (5) Each school board shall require every employee of the school district
2 governed by the school board to receive training provided by the department in
3 identifying children who have been abused or neglected ~~and~~, in the laws and
4 procedures under s. 48.981 governing the reporting of suspected or threatened child
5 abuse and neglect, and in the laws under s. 175.32 governing the reporting of a threat
6 of violence. A school district employee shall receive that training within the first 6
7 months after commencing employment with the school district and at least once
8 every 5 years after that initial training.

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

10 118.126 (1) (c) The information is required to be reported under s. 48.981 or
11 175.32.

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

13 118.126 (2) A school psychologist, counselor, social worker, or nurse, or any
14 teacher or administrator designated by the school board who engages in alcohol or
15 drug abuse program activities, who in good faith discloses or fails to disclose
16 information under sub. (1) is immune from civil liability for such acts or omissions.
17 This subsection does not apply to information required to be reported under s. 48.981
18 or 175.32.

19 **SECTION 19f.** 118.38 (4) of the statutes is repealed.

20 **SECTION 19h.** 118.51 (3) (a) 4. of the statutes is amended to read:

21 118.51 (3) (a) 4. On or before the 2nd Friday following the first Monday in June
22 following receipt of a copy of the application, if a resident school board denies a pupil's
23 enrollment in a nonresident school district ~~under sub. (6) or (7)~~, the resident school
24 board shall notify the applicant and the nonresident school board, in writing, that
25 the application has been denied and include in the notice the reason for the denial.

1 **SECTION 19j.** 118.51 (4) (a) 4. of the statutes is repealed.

2 **SECTION 19k.** 118.51 (6) of the statutes is repealed.

3 **SECTION 19L.** 118.51 (7) (a) of the statutes is repealed.

4 **SECTION 19m.** 118.51 (7) (b) of the statutes is renumbered 118.51 (7).

5 **SECTION 19n.** 118.51 (9) of the statutes, as affected by 2017 Wisconsin Act 59,
6 is amended to read:

7 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
8 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from
9 attending public school in a nonresident school district under sub. (3m) (d), ~~(6), or (7),~~
10 or the nonresident school board prohibits a pupil from attending public school in the
11 nonresident school district under sub. (11), the pupil's parent may appeal the
12 decision to the department within 30 days after the decision. If the nonresident
13 school board provides notice that the special education or related service is not
14 available under sub. (12) (b), the pupil's parent may appeal the required transfer to
15 the department within 30 days after receipt of the notice. The department shall
16 affirm the school board's decision unless the department finds that the decision was
17 arbitrary or unreasonable.

18 **SECTION 19p.** 118.57 (2) of the statutes is amended to read:

19 118.57 (2) The school board shall include in the notice under sub. (1) the most
20 recent performance category assigned under s. 115.385 ~~(2)~~ (1) (b) to each school
21 within the school district boundaries, including charter schools established under s.
22 118.40 (2r) or (2x) and private schools participating in a parental choice program
23 under s. 118.60 or 119.23. The notice published by the school board shall inform
24 parents that the full school and school district accountability report is available on
25 the school board's Internet site.

1 **SECTION 19q.** 119.04 (1) of the statutes, as affected by 2017 Wisconsin Act 59,
2 is amended to read:

3 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
4 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
5 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 118.001
6 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
7 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
8 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10),
9 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43,
10 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15)
11 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),
12 (37m), (38), and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable
13 to a 1st class city school district and board but not, unless explicitly provided in this
14 chapter or in the terms of a contract, to the commissioner or to any school transferred
15 to an opportunity schools and partnership program.

16 **SECTION 19r.** 121.91 (5) (a) of the statutes is renumbered 121.91 (5).

17 **SECTION 19s.** 121.91 (5) (b) of the statutes is repealed.

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

19 146.816 (2) (b) 5. For purposes of disclosing under s. 175.32 any threat made
20 by a patient regarding violence in or targeted at a school in a good faith effort to
21 prevent or lessen a serious and imminent threat to the health or safety of a student
22 or school employee or the public.

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

24 **165.28 Office of school safety.** The office of school safety shall do all of the
25 following:

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

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

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

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

16 **165.88 Grants for school safety.** (1) DEFINITIONS. In this section:

17 (a) "Independent charter school" means a charter school established under s.
18 118.40 (2r) or (2x).

19 (b) "Private school" has the meaning given in s. 115.001 (3r).

20 (c) "School board" has the meaning given in s. 115.001 (7).

21 (d) "Tribal school" has the meaning given in s. 115.001 (15m).

22 (2) GRANTS FOR SCHOOL SAFETY. (a) From the appropriation under s. 20.455 (2)
23 (f), the department of justice shall award grants for expenditures related to
24 improving school safety. The department shall accept applications for a grant under

1 this subsection from school boards, operators of independent charter schools,
2 governing bodies of private schools, and tribal schools.

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

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

14 (a) A school safety plan.

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

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

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

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

22 **175.32 School violence. (1)** In this section:

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

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

1 (c) "School" means a public, private, or tribal elementary or secondary school.

2 (2) (a) Any person listed under s. 48.981 (2) (a) shall report as provided in sub.

3 (3) if the person believes in good faith, based on a threat made by an individual seen
4 in the course of professional duties regarding violence in or targeted at a school, that
5 there is a serious and imminent threat to the health or safety of a student or school
6 employee or the public.

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

12 (c) 1. Except as provided in subd. 2., a member of the clergy shall report as
13 provided in sub. (3) if the member of the clergy believes in good faith, based on a
14 threat of violence made by an individual seen in the course of professional duties,
15 that there is a serious and imminent threat to the health or safety of a person or the
16 public.

17 2. A member of the clergy is not required to report a threat of violence that he
18 or she receives solely through confidential communications made to him or her
19 privately or in a confessional setting if he or she is authorized to hear or is
20 accustomed to hearing such communications and, under the disciplines, tenets, or
21 traditions of his or her religion, has a duty or is expected to keep those
22 communications secret. Those disciplines, tenets, or traditions need not be in
23 writing.

24 (3) A person required to report under sub. (2) shall immediately inform, by
25 telephone or personally, a law enforcement agency of the facts and circumstances

1 contributing to the belief that there is a serious and imminent threat to the health
2 or safety of a student or school employee or the public.

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

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

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

14 230.08 (2) (wc) The director of the office of school safety in the department of
15 justice.

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

17 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
18 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or or
19 reporting nonidentifying information for statistical, research, or educational
20 purposes does not violate this section.

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

22 905.04 (4) (em) *School violence.* There is no privilege for information contained
23 in a report of a threat of violence in or targeted at a school that is provided under s.
24 175.32 (3).

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

1 905.045 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning
2 child abuse that a victim advocate is required to make under s. 48.981 or concerning
3 a threat of violence in or targeted at a school that a victim advocate is required to
4 make under s. 175.32.

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

6 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning
7 observations or information that a member of the clergy, as defined in s. 48.981 (1)
8 (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2)
9 (bm) or as a threat of violence in or targeted at a school under s. 175.32.

10 **SECTION 29. Nonstatutory provisions.**

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

13 (2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

14 (a) By no later than July 1, 2018, a school board shall provide blueprints of each
15 school building and facility in the school district to each local law enforcement agency
16 with jurisdiction over any portion of the school district and to the office of school
17 safety in the department of justice.

18 (b) By no later than July 1, 2018, the governing body of a private school shall
19 provide blueprints of the private school buildings and facilities to each local law
20 enforcement agency with jurisdiction over the private school and to the office of
21 school safety in the department of justice.

22 (c) By no later than July 1, 2018, the operator of a charter school established
23 under section 118.40 (2r) or (2x) of the statutes shall provide blueprints of the charter

1 school buildings and facilities to each local law enforcement agency with jurisdiction
2 over the charter school and to the office of school safety in the department of justice.

3 (END)