

2017 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB843)

For: **Scott Fitzgerald (608) 266-5660** Drafter: **chanaman**

By: Secondary Drafters: **eshea**
fknepp
Date: **3/15/2018** **tdodge**

Same as LRB:

May Contact:

Submit via email: **YES**
Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

School safety

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	tdodge 3/19/2018	kfollett 3/19/2018	dwalker 3/15/2018		
/P2			jmurphy 3/19/2018		
/1	fknepp 3/20/2018			lparisi 3/19/2018	
/2		wjackson 3/20/2018	lparisi 3/20/2018	lparisi 3/20/2018	

FE Sent For:

<END>



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0410/Pl Dep2
FFK/CMH/TJD/EHS:all

In: 3119

ASAP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 843

Insert

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 plans; grants to schools for school safety and
8 safety-related upgrades to school buildings, equipment, and facilities; creating
9 an office of school safety; mandatory reporting of suspected intent to carry out
10 violence involving a dangerous weapon or explosive in or targeting a school;
11 providing an exemption from rule-making procedures; providing a criminal
12 penalty; and making appropriations.

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

1 SECTION 1. 15.253 (3) of the statutes is created to read:

2 15.253 (3) OFFICE OF SCHOOL SAFETY. There is created an office of school safety.

3 The director of the office shall be appointed by the attorney general.

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

2017-18 2018-19

6 20.455 Justice, department of

7 (2) LAW ENFORCEMENT SERVICES

8 (f) School safety GPR C 100,000,000 -0-

9 SECTION 3. 20.455 (2) (f) of the statutes is created to read:

10 20.455 (2) (f) *School safety*. As a continuing appropriation, the amounts in the
11 schedule to provide grants under s. 165.88 (2).

12 SECTION 4. 20.455 (2) (im) of the statutes is created to read:

13 20.455 (2) (im) *Training to school staff*. All moneys received from fees collected
14 under s. 165.28 (3) to provide training to school staff under s. 165.28 (3).

15 SECTION 5. 20.923 (4) (c) 6. of the statutes is created to read:

16 20.923 (4) (c) 6. Justice, department of: director of the office of school safety.

Insert
17 2-17

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

19 51.17 (2) AUTHORIZATION. Any health care provider, as permitted by s. 146.816

20 (2) (b) 4., and any law enforcement officer may make a disclosure of information

21 evidencing that an individual poses a substantial probability of serious bodily harm

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. Any health care provider, as
3 permitted by s. 146.816 (2) (b) 5., may make a disclosure under s. 175.32.

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

6 118.07 (4) (a) Each school board and the governing body of each private school
7 shall have in effect a school safety plan for each public or private school in the school
8 district within 3 years of May 27, 2010.

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

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

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

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

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

1 4. The process for reviewing the methods for conducting drills required to
2 comply with the plan.

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

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

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

9 118.07 (4) (bm) 3. Guidelines and procedures to address school violence and
10 attacks, threats of school violence and attacks, bomb threats, fire, weather-related
11 emergencies, intruders, parent-student reunification, and threats to non-classroom
12 events, including recess, concerts and other performances, athletic events, and any
13 other extracurricular activity or event.

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

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

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

1 118.07 (4) (cm) Neither a school board nor a governing body of a private school
2 may include in a school safety plan any of the following:

3 1. A requirement for an employee to contact a school administrator, school
4 official, or any other person before calling the telephone number “911”.

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

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

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

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

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

21 118.07 (4) (d) Each school board and the governing body of each private school
22 shall review and approve the school safety plan at least once every 3 years after the
23 plan goes into effect.

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

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

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

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

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

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

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

← Insert 6-17

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

18 118.07 (5) Each school board shall require every employee of the school district
19 governed by the school board to receive training provided by the department in
20 identifying children who have been abused or neglected and, in the laws and
21 procedures under s. 48.981 governing the reporting of suspected or threatened child
22 abuse and neglect, and in the laws under s. 175.32 governing the reporting of
23 suspected intent to commit an act of violence involving a dangerous weapon or
24 explosive in or targeting a school. A school district employee shall receive that

1 training within the first 6 months after commencing employment with the school
2 district and at least once every 5 years after that initial training.

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

4 118.126 (1) (c) The information is required to be reported under s. 48.981 or
5 175.32.

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

7 118.126 (2) A school psychologist, counselor, social worker, or nurse, or any
8 teacher or administrator designated by the school board who engages in alcohol or
9 drug abuse program activities, who in good faith discloses or fails to disclose
10 information under sub. (1) is immune from civil liability for such acts or omissions.

11 This subsection does not apply to information required to be reported under s. 48.981
12 or 175.32.

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

14 146.816 (2) (b) 5. For purposes of disclosing under s. 175.32 any suspicion of
15 a patient intending to commit an act of violence involving a dangerous weapon or
16 explosive in or targeting a school.

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

18 **165.28 Office of school safety.** The office of school safety shall do all of the
19 following:

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

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

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

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

11 **165.88 Grants for school safety. (1) DEFINITIONS.** In this section:

12 (a) "Independent charter school" means a charter school established under s.
13 118.40 (2r) or (2x).

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

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

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

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

22 (b) The department of justice, in consultation with the department of public
23 instruction, shall develop a plan for use in awarding grants under this subsection.
24 The department of justice shall include in the plan a description of what types of
25 expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall

1 include expenditures to comply with the model practices created in s. 165.28 (1);
2 expenditures for training under s. 165.28 (3); expenditures for safety-related
3 upgrades to school buildings, equipment, and facilities; and expenditures necessary
4 to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10 (1), the plan need not be
5 promulgated as rules under ch. 227.

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

8 (a) A school safety plan.

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

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

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

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

16 **175.32 School violence.** (1) In this section:

17 (a) "Dangerous weapon" has the meaning given in s. 939.22 (10).

18 (b) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b) and
19 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

20 (c) "Member of the clergy" has the meaning given in s. 48.981 (1) (cx).

21 (d) "School" means a public, private, or tribal elementary or secondary school.

22 (2) (a) Any person listed under s. 48.981 (2) (a) or member of the clergy who has
23 reasonable cause to suspect that a person seen in the course of professional duties
24 intends to commit an act of violence involving a dangerous weapon or explosive in
25 or targeting a school shall report as provided in sub. (3).

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9-15

1 (b) A court-appointed special advocate who has reasonable cause to suspect
2 that a child seen in the course of activities under s. 48.236 (3) intends to commit an
3 act of violence involving a dangerous weapon or explosive in or targeting a school
4 shall report as provided in sub. (3).

5 (3) A person required to report under sub. (2) shall immediately inform, by
6 telephone or personally, a law enforcement agency of the facts and circumstances
7 contributing to a suspicion of intended violence involving a dangerous weapon or
8 explosive in or targeting a school.

9 (4) Any person or institution participating in good faith in the making of a
10 report under this section shall have immunity from any liability, civil or criminal,
11 that results by reason of the action. For the purpose of any proceeding, civil or
12 criminal, the good faith of any person reporting under this section shall be presumed.

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

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

16 230.08 (2) (wc) The director of the office of school safety in the department of
17 justice.

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

19 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
20 48.981, reporting suspected intent to commit an act of violence involving a dangerous
21 weapon or explosive in or targeting a school under s. 175.32, or reporting
22 nonidentifying information for statistical, research, or educational purposes does not
23 violate this section.

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

1 905.04 (4) (em) *School violence*. There is no privilege for information contained
2 in a report of suspected intent to commit an act of violence involving a dangerous
3 weapon or explosive in or targeting a school that is provided under s. 175.32 (3).

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

5 905.045 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning
6 child abuse that a victim advocate is required to make under s. 48.981 or concerning
7 suspected intent to commit an act of violence involving a dangerous weapon or
8 explosive in or targeting a school that a victim advocate is required to make under
9 s. 175.32.

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

11 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning
12 observations or information that a member of the clergy, as defined in s. 48.981 (1)
13 (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2)
14 (bm) or as suspected intent to commit an act of violence involving a dangerous
15 weapon or explosive in or targeting a school under s. 175.32.

16 **SECTION 29. Nonstatutory provisions.**

17 (1) OFFICE OF SCHOOL SAFETY; POSITION AUTHORIZATIONS. There is authorized for
18 the office of school safety in the department of justice 1.0 FTE GPR director position,
19 1.0 FTE GPR program and planning analyst position, and, for the period beginning
20 on the effective date of this subsection and ending on June 30, 2019, 2.0 FTE GPR
21 project positions to be funded from the appropriation under section 20.455 (2) (a) of
22 the statutes.

23 (2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

24 (a) By no later than July 1, 2018, a school board shall provide blueprints of each
25 school building and facility in the school district to each local law enforcement agency

1 with jurisdiction over any portion of the school district and to the office of school
2 safety in the department of justice.

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

7 (c) By no later than July 1, 2018, the operator of a charter school established
8 under section 118.40 (2r) or (2x) of the statutes shall provide blueprints of the charter
9 school buildings and facilities to each local law enforcement agency with jurisdiction
10 over the charter school and to the office of school safety in the department of justice.

11 **SECTION 30. Fiscal changes.**

12 (1) OFFICE OF SCHOOL SAFETY; POSITIONS. In the schedule under section 20.005
13 (3) of the statutes for the appropriation to the department of justice under section
14 20.455 (2) (a) of the statutes, the dollar amount for fiscal year 2017-18 is increased
15 by \$91,100 to fund the 4.0 FTE GPR positions authorized under SECTION 29 (1) of this
16 act. In the schedule under section 20.005 (3) of the statutes for the appropriation to
17 the department of justice under section 20.455 (2) (a) of the statutes, the dollar
18 amount for fiscal year 2018-19 is increased by \$364,500 to fund the 4.0 FTE GPR
19 positions authorized under SECTION 29 (1) of this act.

20 (END)

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0410/P2ins
TJD&EHS:...

1 INSERT 2-17

2 **SECTION 1.** 51.17 (2) of the statutes, as created by 2017 Wisconsin Act 140, is
3 amended to read:

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

9 END INSERT 2-17

10 INSERT 6-17

11 **SECTION 2.** 118.07 (5) of the statutes is amended to read:

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

20 **SECTION 3.** 118.126 (1) (c) of the statutes is amended to read:

21 118.126 (1) (c) The information is required to be reported under s. 48.981 or
22 175.32.

23 **SECTION 4.** 118.126 (2) of the statutes is amended to read:

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

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

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

12 END INSERT 6-17

13 INSERT 9-15

14 **SECTION 6.** 175.32 of the statutes is created to read:

15 **175.32 School violence.** (1) In this section:

16 (a) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b) and
17 includes a tribal law enforcement agency, as defined in s. 165.83 (1) (e).

18 (b) "Member of the clergy" has the meaning given in s. 48.981 (1) (cx).

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

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

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

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

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

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

22 (4) Any person or institution participating in good faith in the making of a
23 report under this section shall have immunity from any liability, civil or criminal,
24 that results by reason of the action. Any health care provider, as defined in s. 146.81
25 (1), who believes in good faith and in his or her professional judgment that a report

1 is not required under this section shall have immunity from any civil liability or
2 criminal penalty for not making such a report. For the purpose of any proceeding,
3 civil or criminal, the good faith of any person reporting under this section shall be
4 presumed.

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

7 END INSERT 9-15

8 INSERT 10-18

9 **SECTION 7.** 904.085 (4) (d) of the statutes is amended to read:

10 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
11 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or
12 reporting nonidentifying information for statistical, research, or educational
13 purposes does not violate this section.

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

15 905.04 (4) (em) *School violence.* There is no privilege for information contained
16 in a report of a threat of violence in or targeted at a school that is provided under s.
17 175.32 (3).

18 **SECTION 9.** 905.045 (4) of the statutes is amended to read:

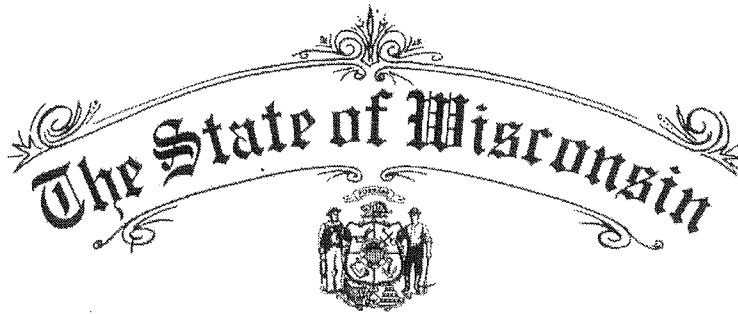
19 905.045 (4) **EXCEPTIONS.** Subsection (2) does not apply to any report concerning
20 child abuse that a victim advocate is required to make under s. 48.981 or concerning
21 a threat of violence in or targeted at a school that a victim advocate is required to
22 make under s. 175.32.

23 **SECTION 10.** 905.06 (4) of the statutes is amended to read:

24 905.06 (4) **EXCEPTIONS.** There is no privilege under this section concerning
25 observations or information that a member of the clergy, as defined in s. 48.981 (1)

- 1 (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2)
- 2 (bm) or as a threat of violence in or targeted at a school under s. 175.32.
- 3 END INSERT 10-18

Por Tad,



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #278

Relating to a Special Session of the Legislature on School Security and Safety

WHEREAS, events throughout the country have prompted the State of Wisconsin to reexamine school security and safety; and

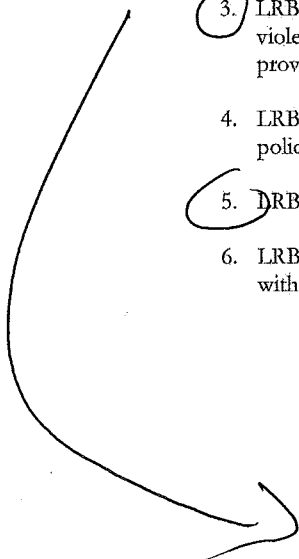
WHEREAS, schools must remain a safe environment, free from fear and the threat of violence; and

WHEREAS, parents should be confident in the knowledge that their children's schools have taken every precaution to protect the students who attend; and

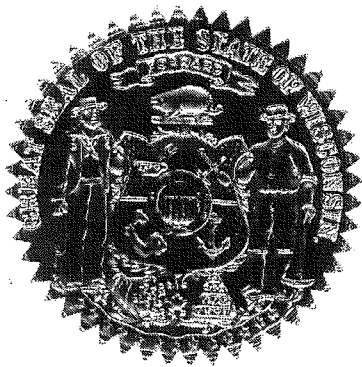
WHEREAS, the State of Wisconsin must act to ensure all school districts are safe and properly secured;

NOW, THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, pursuant to Article IV, Section 11, and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison, to commence at 9:00 AM on March 15, 2018, solely to consider and act upon legislation relating to the following:

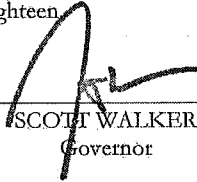
1. LRB-5595 and 5686, relating to grants to schools for school safety and safety-related upgrades to school buildings, equipment, and facilities; providing an exemption from rule-making procedures; and making an appropriation. — not make for armed safety officers
2. LRB-5599 and 5685, relating to creating an office of school safety in the Department of Justice and making appropriations.
3. LRB-5601 and 5687, relating to mandatory reporting of suspected intent to carry out violence involving a dangerous weapon or explosive in or targeting a school and providing a criminal penalty.
4. LRB-5683 and 5688, relating to the Department of Public Instruction's model school policy on bullying by pupils.
5. LRB-5684 and 5689, relating to school safety plans.
6. LRB-5690 and 5691, relating to allowing a school board to share safety camera footage with law enforcement.



draft as sub
to
AB 843



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifteenth day of March in the year two thousand eighteen.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0410/P2
FFK/CMH/TJD/EHS:all

11

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 843**

No
changes

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 amount for fiscal year 2018-19 is increased by \$364,500 to fund the 4.0 FTE GPR
2 positions authorized under SECTION 29 (1) of this act.

3 (END)



Redraft instructions from TAD for 50410/1
for 12

Remove position authorizations for all positions
except the director of the office

Do not provide additional funding for the director
position, will be paid from existing appropriate



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0410/10/2
FFK/CMH/TJD/EHS:all RMR

Now

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

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-
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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 AUTHORIZATIONS. There is authorized for
24 the office of school safety in the department of justice 1.0 FTE GPR director position,
25 1.0 FTE GPR program and planning analyst position, and, for the period beginning

1 on the effective date of this subsection and ending on June 30, 2019, 2.0 FTE GPR
2 project positions to be funded from the appropriation under section 20.455 (2) (a) of
3 the statutes.

4 (2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

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

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

13 (c) By no later than July 1, 2018, the operator of a charter school established
14 under section 118.40 (2r) or (2x) of the statutes shall provide blueprints of the charter
15 school buildings and facilities to each local law enforcement agency with jurisdiction
16 over the charter school and to the office of school safety in the department of justice.

17 **SECTION 30. Fiscal changes.**

18 (1) OFFICE OF SCHOOL SAFETY; POSITIONS. In the schedule under section 20.005
19 (3) of the statutes for the appropriation to the department of justice under section
20 20.455 (2) (a) of the statutes, the dollar amount for fiscal year 2017-18 is increased
21 by \$91,100 to fund the 4.0 FTE GPR positions authorized under SECTION 29 (1) of this
22 act. In the schedule under section 20.005 (3) of the statutes for the appropriation to
23 the department of justice under section 20.455 (2) (a) of the statutes, the dollar

1 amount for fiscal year 2018-19 is increased by \$364,500 to fund the 4.0 FTE GPR
2 positions authorized under SECTION 29 (1) of this act.

3 (END)