



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 143
[2017 Assembly Bill 843]

**Office of School Safety and
School Safety Grants**

2017 Wisconsin Act 143 creates an Office of School Safety, establishes school safety grants, makes changes related to school safety plans, and requires mandatory reporting of threats of school violence. The Act also includes remedial changes introduced by the Joint Legislative Council's Law Revision Committee at the request of the Department of Public Instruction (DPI).

OFFICE OF SCHOOL SAFETY

Act 143 creates an Office of School Safety within the Department of Justice (DOJ), and creates a 1.0 FTE director position appointed by the Attorney General. The Act tasks the Office of School Safety with: (1) creating model practices for school safety, in conjunction with DPI and after consultation with the Wisconsin School Safety Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center; (2) compiling school blueprints and geographic information system (GIS) maps, in coordination with schools and the Department of Administration; and (3) offering training to school staff on school safety, which may be provided by either DOJ or by a contracted party.

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

Act 143 also requires schools to submit specified information to the Office of School Safety. Every school board, governing body of a private school, and operator of a charter school must provide blueprints of each school building and facility to the Office of School Safety, and to local law enforcement agencies, by July 1, 2018. Every school board and governing body of a private school must also file by January 1, 2019, and before each January 1 thereafter, the following with the Office of School Safety:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

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

SCHOOL SAFETY GRANTS

Act 143 creates school safety grants and appropriates **\$100 million** in GPR funding for this purpose under a continuing appropriation. The Act requires DOJ to award the grants for expenditures related to improving school safety. DOJ must accept grant applications from public schools, private schools, independent charter schools, and tribal schools. DOJ must also develop a plan for awarding the grants, in consultation with DPI, and must include a description of what types of expenditures are eligible to be funded by grant proceeds. This plan is exempt from rule-making requirements.

The Act specifies certain eligible expenditures, but does not otherwise limit DOJ authority to determine how grants are awarded or what expenditures are eligible. Eligible expenditures explicitly include: (1) expenditures for compliance with DOJ model practices for school safety; (2) expenditures for DOJ school safety training; (3) expenditures for safety-related upgrades to school buildings, equipment, and facilities; and (4) expenditures necessary to comply with requirements to submit school blueprints to law enforcement and the Office of School Safety.

Act 143 requires grant applications to include: (1) a school safety plan; (2) blueprints of each school building or facility, or a certification that previously submitted blueprints are current; and (3) a proposed plan of expenditure of the grant moneys. The Act also requires DOJ to submit an annual report to the Joint Finance Committee co-chairs regarding awarded grants and expenditures made with the grants.

SCHOOL SAFETY PLANS

Act 143 makes changes related to school safety plans that every public and private school must have in effect. As under prior law, every school must have a school safety plan created with active participation of appropriate parties, which may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, and mental health professionals, and must review the plan every three years. The Act provides that the parties participating in plan creation may also include DOJ, and requires a school board or governing body to approve a school safety plan at least once every three years.

Content of School Safety Plans

Act 143 requires an individualized safety plan for each school building and facility that is regularly occupied by students, including any real property related to the building or facility that is regularly occupied by students. A plan must also include guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student reunification, and threats to non-classroom events (e.g., recess, athletic events, and concerts).

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

On-Site Safety Assessments

Act 143 requires public and private schools to conduct an on-site safety assessment, in consultation with a local law enforcement agency, of each school building, site, and facility that is regularly occupied by students. The on-site assessment must be conducted before a school board or governing body creates or updates a school safety plan. The assessment must include playgrounds, athletic facilities or fields, and any other property occupied by students on a regular basis.

School Violence Drills

The Act requires public and private schools to conduct annual drills in the proper response to a school violence event in accordance with the school safety plan for that school building. The person in charge of a particular school building must submit a brief written evaluation of the drill to the school board or governing body within 30 days, and the board or governing body must review the evaluation. A drill regarding a school violence event may be substituted for other required drills relating to fire, tornado or other hazards, or school safety incidents.

MANDATORY REPORTING OF SCHOOL VIOLENCE THREATS

Act 143 requires reporting of school violence threats by certain individuals, including teachers, school administrators, school counselors, other school employees, physicians, and other medical and mental health professionals.¹ Specifically, an identified individual must report if the person believes in good faith, based on a threat made by an individual seen in the course of professional duties regarding violence in or targeted at a school, that there is a serious and imminent threat to the health and safety of a student, school employee, or the public. These individuals must immediately inform a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat.

¹ The full list of individuals required to report threats of school violence can be found in s. 48.981 (2) (a), Stats., and is the same list of individuals required to report suspected child abuse and neglect.

The Act provides immunity from civil or criminal liability for any person or institution making a report in good faith, as well as immunity for health care providers who do not report based on their good faith belief and professional judgment that a report is not required. Act 143 also creates an exemption from mandatory reporting for members of the clergy if certain conditions are met. The Act mandates that school boards require employees to receive training regarding mandatory reporting of school violence threats.

The mandatory reporting created by Act 143 applies to threats of violence against public, private, or tribal elementary or secondary schools. An intentional violation of the reporting requirement is an unclassified misdemeanor, subject to a fine of \$1,000 or less, imprisonment of six months or less, or both.

REMEDIAL LAW CHANGES

Act 143 also makes remedial statutory changes introduced by the Joint Legislative Council's Law Revision Committee. These changes include repealing outdated or expired DPI reporting requirements and repealing an expired provision relating to open enrollment of students into other school districts. The Act also repeals authority for a school board eligible for special transfer aid under subch. VI of ch. 121, Stats. (commonly known as "Chapter 220 Aid"), to reject an open enrollment application if the transfer would increase racial imbalance in the district; a provision deemed unconstitutional in a 2007 Wisconsin Attorney General opinion.

Finally, Act 143 adds a missing statutory cross-reference to give effect to a change made by 2017 Wisconsin Act 107 to require all school districts to condition employment of school district employees on a physical exam, including a tuberculosis screening questionnaire, by eliminating an exception that previously existed for Milwaukee Public Schools.

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