



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1704/P2

CMH:cjs

B3

DOA:.....Schmidt, BB0217 - Transfer the office of school safety from DOJ to
DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT/...; relating to: the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

This bill moves the Office of School Safety from DOJ to DPI. The office of school safety was created in 2017 Wisconsin Act 143 to create model practices for school safety, to compile blueprints and geographic information system (GIS) maps of schools for use by law enforcement agencies, to award grants to schools for expenditures related to improving school safety, and to offer training to school staff on school safety. Under the bill, all of those duties, except for the duty to offer training to school staff on school safety move with the office to DPI. Under the bill, DOJ retains the duty to offer such training.

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

2 SECTION 1. 13.94 (intro.) of the statutes is amended to read:

3 **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be
4 known as the "Legislative Audit Bureau," headed by a chief known as the "State

1 Auditor.” The bureau shall be strictly nonpartisan and shall at all times observe the
2 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
3 (a) and (f), the state auditor or designated employees shall at all times with or
4 without notice have access to all departments and to any books, records or other
5 documents maintained by the departments and relating to their expenditures,
6 revenues, operations and structure, including specifically any such books, records,
7 or other documents that are confidential by law, except as provided in sub. (4) and
8 except that access to documents of counties, cities, villages, towns or school districts
9 is limited to work performed in connection with audits authorized under sub. (1) (m)
10 and except that access to documents of the opportunity schools and partnership
11 programs under s. 119.33, subch. ~~IX~~ X of ch. 115, and subch. II of ch. 119 is limited
12 to work performed in connection with audits authorized under sub. (1) (os). In the
13 discharge of any duty imposed by law, the state auditor may subpoena witnesses,
14 administer oaths and take testimony and cause the deposition of witnesses to be
15 taken as prescribed for taking depositions in civil actions in circuit courts.

16 **SECTION 2.** 13.94 (1) (b) of the statutes is amended to read:

17 13.94 (1) (b) At the state auditor’s discretion or as the joint legislative audit
18 committee directs, audit the records of each department. Audits of the records of a
19 county, city, village, town, or school district may be performed only as provided in par.
20 (m). Audits of the records of the opportunity schools and partnership programs
21 under s. 119.33, subch. ~~IX~~ X of ch. 115, and subch. II of ch. 119 may be performed only
22 as provided in par. (os). After completion of any audit under this paragraph, the
23 bureau shall file with the chief clerk of each house of the legislature, the governor,
24 the department of administration, the legislative reference bureau, the joint
25 committee on finance, the legislative fiscal bureau, and the department audited, a

1 detailed report of the audit, including the bureau's recommendations for
2 improvement and efficiency and including specific instances, if any, of illegal or
3 improper expenditures. The chief clerks shall distribute the report to the joint
4 legislative audit committee, the appropriate standing committees of the legislature,
5 and the joint committee on legislative organization.

6 **SECTION 3.** 13.94 (1) (os) of the statutes is amended to read:

7 13.94 (1) (os) Beginning in 2017, and biennially thereafter, prepare a
8 performance evaluation audit of the opportunity schools and partnership programs
9 under s. 119.33, subch. IX X of ch. 115, and subch. II of ch. 119. The legislative audit
10 bureau shall file a copy of the report of the audit under this paragraph with the
11 distributees specified in par. (b).

12 **SECTION 4.** 15.253 (3) of the statutes is renumbered 15.374 (2) and amended
13 to read:

14 15.374 (2) OFFICE OF SCHOOL SAFETY. There is created an office of school safety
15 in the department of public instruction. The director of the office shall be appointed
16 by the ~~attorney general~~ state superintendent of public instruction in the classified
17 service.

18 **SECTION 5.** 20.255 (2) (cc) of the statutes is amended to read:

19 20.255 (2) (cc) *Bilingual-bicultural education aids*. The amounts in the
20 schedule for bilingual-bicultural education programs under subch. VII VIII of ch.
21 115.

22 **SECTION 6.** 20.455 (2) (f) of the statutes is renumbered 20.255 (2) (f) and
23 amended to read:

24 20.255 (2) (f) *School safety*. As a continuing appropriation, the amounts in the
25 schedule to provide grants under s. 165.88 115.945 (2).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 7.** 20.455 (2) (im) of the statutes is amended to read:

2 20.455 (2) (im) *Training to school staff.* All moneys received from fees collected
3 under s. ~~165.28 (3)~~ 165.25 (20) to provide training to school staff under s. ~~165.28 (3)~~
4 165.25 (20).

5 **SECTION 8.** 20.923 (4) (c) 6. of the statutes is repealed.

6 **SECTION 9.** 40.03 (2) (x) 1. of the statutes is amended to read:

7 40.03 (2) (x) 1. May enter into a memorandum of understanding with the
8 commissioner of the opportunity schools and partnership program under subch. ~~IX~~
9 X of ch. 115 to include the commissioner and individuals employed at schools
10 transferred to the program as participating employees and eligible for health care
11 coverage under s. 40.51 (7). For purposes of s. 40.21 (1), a memorandum of
12 understanding under this subdivision shall be considered a resolution adopted by a
13 governing body. The secretary may not enter into the memorandum of
14 understanding under this subdivision if the memorandum of understanding would
15 result in the violation s. 40.015.

16 **SECTION 10.** 66.0301 (1) (a) of the statutes is amended to read:

17 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
18 “municipality” means the state or any department or agency thereof, or any city,
19 village, town, county, or school district, the opportunity schools and partnership
20 programs under subch. ~~IX~~ X of ch. 115 and subch. II of ch. 119, the superintendent
21 of schools opportunity schools and partnership program under s. 119.33, or any
22 public library system, public inland lake protection and rehabilitation district,
23 sanitary district, farm drainage district, metropolitan sewerage district, sewer

1 utility district, solid waste management system created under s. 59.70 (2), local
2 exposition district created under subch. II of ch. 229, local professional baseball park
3 district created under subch. III of ch. 229, local professional football stadium district
4 created under subch. IV of ch. 229, local cultural arts district created under subch.
5 V of ch. 229, long-term care district under s. 46.2895, water utility district, mosquito
6 control district, municipal electric company, county or city transit commission,
7 commission created by contract under this section, taxation district, regional
8 planning commission, housing authority created under s. 66.1201, redevelopment
9 authority created under s. 66.1333, community development authority created
10 under s. 66.1335, or city-county health department.

11 **SECTION 11.** 115.28 (10m) (b) of the statutes is amended to read:

12 115.28 (10m) (b) By November 30 of the first year in which the state
13 superintendent determines that a school district is an eligible school district, as
14 defined in s. 115.999 (1) (d), and annually thereafter, submit to the commissioner of
15 the opportunity schools and partnership program under subch. ~~IX~~ X a report that
16 identifies each school in that eligible school district that was assigned to the lowest
17 performance category on the most recent accountability report published for the
18 school under s. 115.385 (1) and that disaggregates the schools by elementary school,
19 middle school, junior high school, high school, and senior high school.

20 **SECTION 12.** 115.28 (15) (a) of the statutes is amended to read:

21 115.28 (15) (a) Establish, by rule, standards for the approval of the abilities of
22 certified teachers and counselors and their aides participating in
23 bilingual-bicultural education programs under subch. ~~VII~~ VIII to read, write and
24 speak a non-English language and to possess knowledge of the culture of
25 limited-English proficient pupils.

1 shall transfer to another school, including a private or tribal school, or school district
2 all pupil records relating to a specific pupil if the transferring school district or
3 private school has received written notice from the pupil if he or she is an adult or
4 his or her parent or guardian if the pupil is a minor that the pupil intends to enroll
5 in the other school or school district or written notice from the other school or school
6 district that the pupil has enrolled or from a court that the pupil has been placed in
7 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential
8 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,
9 “school” and “school district” include any juvenile correctional facility, secured
10 residential care center for children and youth, adult correctional institution, mental
11 health institute, or center for the developmentally disabled that provides an
12 educational program for its residents instead of or in addition to that which is
13 provided by public, private, and tribal schools.

14 **SECTION 20.** 118.30 (1g) (a) 3. of the statutes is amended to read:

15 118.30 (1g) (a) 3. The governing body of each private school participating in the
16 program under s. 119.23 and the governing body of a private school that, pursuant
17 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
18 and general management of a school transferred to an opportunity schools and
19 partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119
20 shall adopt pupil academic standards in mathematics, science, reading and writing,
21 geography, and history. The governing body of the private school may adopt the pupil
22 academic standards issued by the governor as executive order no. 326, dated January
23 13, 1998.

24 **SECTION 21.** 118.30 (1s) (intro.) of the statutes is amended to read:

1 118.30 (1s) (intro.) Annually, the governing body of each private school
2 participating in the program under s. 119.23, other than a private school at which
3 fewer than 20 pupils in grades 3 to 12 are attending the school under the program
4 under s. 119.23, and the governing body of a private school that, pursuant to s.
5 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and
6 general management of a school transferred to an opportunity schools and
7 partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119
8 shall do all of the following:

9 **SECTION 22.** 118.33 (1) (f) 2. of the statutes is amended to read:

10 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that
11 operates high school grades and an individual or group or a person that, pursuant
12 to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the
13 operation and general management of a school transferred to an opportunity schools
14 and partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch.
15 119 and that operates high school grades shall develop and periodically review and
16 revise a policy specifying criteria for granting a high school diploma. The criteria
17 shall include the pupil's academic performance, successful completion of the civics
18 test under sub. (1m) (a), and the recommendations of teachers.

19 **SECTION 23.** 118.33 (1) (f) 2m. of the statutes is amended to read:

20 118.33 (1) (f) 2m. The governing body of each private school participating in the
21 program under s. 119.23 and the governing body of a private school that, pursuant
22 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
23 and general management of a school transferred to an opportunity schools and
24 partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119
25 shall develop and periodically review and revise a policy specifying criteria for

1 granting a high school diploma to pupils attending the private school under s. 119.23
2 or the school transferred to an opportunity schools and partnership program under
3 s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119. The criteria shall include the
4 pupil's academic performance, successful completion of the civics test under sub.
5 (1m) (a), and the recommendations of teachers.

6 **SECTION 24.** 118.33 (1) (f) 3. of the statutes is amended to read:

7 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under
8 s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999
9 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and
10 general management of a school transferred to an opportunity schools and
11 partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119
12 may grant a high school diploma to any pupil unless the pupil has satisfied the
13 criteria specified in the school board's or charter school's policy under subd. 1. or 2.
14 Neither the governing body of a private school participating in the program under
15 s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3),
16 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general
17 management of a school transferred to an opportunity schools and partnership
18 program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119 may grant a
19 high school diploma to any pupil attending the private school under s. 119.23 or the
20 school transferred to an opportunity schools and partnership program under s.
21 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied
22 the criteria specified in the governing body's policy under subd. 2m. The governing
23 body of a private school participating in the program under s. 118.60 may not grant
24 a high school diploma to any pupil attending the private school under s. 118.60 unless

1 the pupil has satisfied the criteria specified in the governing body's policy under
2 subd. 2r.

3 **SECTION 25.** 119.04 (1) of the statutes is amended to read:

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

17 **SECTION 26.** 120.18 (1) (o) of the statutes is amended to read:

18 120.18 (1) (o) The number of pupils enrolled in each school transferred to an
19 opportunity schools and partnership program under subch. IX X of ch. 115, as
20 reported by the commissioner in the enrollment report submitted pursuant to s.
21 115.999 (4).

22 **SECTION 27.** 146.89 (1) (d) 2. of the statutes is amended to read:

23 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
24 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
25 under s. 119.23 or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3)

1 (c), is responsible for the operation and general management of a school transferred
2 to an opportunity schools and partnership program under s. 119.33, subch. IX X of
3 ch. 115, or subch. II of ch. 119.

4 SECTION 28. 146.89 (1) (g) 1. of the statutes is amended to read:

5 146.89 (1) (g) 1. A public elementary school, including an elementary school
6 transferred to an opportunity schools and partnership program under s. 119.33,
7 subch. IX X of ch. 115, or subch. II of ch. 119.

8 SECTION 29. 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

9 SECTION 30. 165.28 (1) of the statutes is renumbered 115.94 (1) and amended
10 to read:

11 115.94 (1) ~~In conjunction with the department of public instruction, create~~
12 ~~Create~~ model practices for school safety. ~~The department of public instruction shall~~
13 ~~provide any resources or staff requested by the office to create the model practices.~~
14 The office shall ~~also~~ consult the Wisconsin School Safety Coordinators Association
15 and the Wisconsin Safe and Healthy Schools Training and Technical Assistance
16 Center when creating the model practices.

17 SECTION 31. 165.28 (2) of the statutes is renumbered 115.94 (2).

18 SECTION 32. 165.28 (3) of the statutes is renumbered 165.25 (20) and amended
19 to read:

20 165.25 (20) TRAINING ON SCHOOL SAFETY. Offer, or contract with another party
21 to offer, training to school staff on school safety. Training subjects may include
22 trauma informed care and how adverse childhood experiences have an impact on a
23 child's development and increase needs for counseling or support. If a school receives
24 under s. 165.88 115.945 (2) (b) a grant for the training under this subsection, the
25 office department may charge a fee for the training.

1 **SECTION 33.** 165.88 (title) of the statutes is renumbered 115.945 (title).

2 **SECTION 34.** 165.88 (1) (intro.) and (a) of the statutes are consolidated,
3 renumbered 115.945 (1) and amended to read:

4 115.945 (1) ~~DEFINITIONS~~ DEFINITION. In this section: ~~(a)~~ “Independent,
5 “independent charter school” means a charter school established under s. 118.40 (2r)
6 or (2x).

7 **SECTION 35.** 165.88 (1) (b), (c) and (d) of the statutes are repealed.

8 **SECTION 36.** 165.88 (2) of the statutes is renumbered 115.945 (2), and 115.945
9 (2) (a) and (b), as renumbered, are amended to read:

10 115.945 (2) (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the
11 department of justice shall award grants for expenditures related to improving
12 school safety. The department shall accept applications for a grant under this
13 subsection from school boards, operators of independent charter schools, governing
14 bodies of private schools, and tribal schools.

15 (b) The department of justice, ~~in consultation with the department of public~~
16 ~~instruction,~~ shall develop a plan for use in awarding grants under this subsection.
17 The department of justice shall include in the plan a description of what types of
18 expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall
19 include expenditures to comply with the model practices created in s. ~~165.28~~ 115.94
20 (1); expenditures for training under s. ~~165.28 (3)~~ 165.25 (20); expenditures for
21 safety-related upgrades to school buildings, equipment, and facilities; and
22 expenditures necessary to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10
23 (1), the plan need not be promulgated as rules under ch. 227.

24 **SECTION 37.** 165.88 (3) of the statutes is renumbered 115.945 (3).

1 **SECTION 38.** 165.88 (4) of the statutes is renumbered 115.945 (4) and amended
2 to read:

3 115.945 (4) **REPORT.** The department of justice shall submit an annual report
4 to the cochairpersons of the joint committee on finance providing an account of the
5 grants awarded under sub. (2) and the expenditures made with the grant moneys.

6 **SECTION 39.** 230.08 (2) (wc) of the statutes is repealed.

7 **SECTION 9127. Nonstatutory provisions; Justice.**

8 (1) **TRANSFER OF OFFICE OF SCHOOL SAFETY.**

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the department of justice that are primarily related to the office of school
11 safety, as determined by the state superintendent of public instruction, become the
12 assets and liabilities of the department of public instruction.

13 (b) *Positions and employees.* All positions and all incumbent employees holding
14 those positions in the office of school safety in the department of justice are
15 transferred on the effective date of this paragraph to the department of public
16 instruction.

17 (c) *Employee status.* Employees transferred under par. (b) have all the rights
18 and the same status under ch. 230 in the department of public instruction that they
19 enjoyed in the department of justice immediately before the transfer.
20 Notwithstanding s. 230.28 (4), no employee transferred under par. (b) who has
21 attained permanent status in class is required to serve a probationary period.

22 (d) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property of the department of justice that is primarily related to
24 the duties of the office of school safety, as determined by the state superintendent of
25 public instruction, is transferred to the department of public instruction.

1 **(e)** *Contracts.* All contracts entered into by the department of justice in effect
2 on the effective date of this paragraph that are primarily related to the duties of the
3 office of school safety, as determined by the state superintendent of public
4 instruction, remain in effect and are transferred to the department of public
5 instruction. The department of public instruction shall carry out any obligations
6 under those contracts unless modified or rescinded by the department of public
7 instruction to the extent allowed under the contract.

8 **(f)** *Rules and orders.* All rules promulgated by the department of justice in
9 effect on the effective date of this paragraph that are primarily related to the duties
10 of the office of school safety, as determined by the state superintendent of public
11 instruction, remain in effect until their specified expiration dates or until amended
12 or repealed by the department of public instruction. All orders issued by the
13 department of justice in effect on the effective date of this paragraph that are
14 primarily related to the duties of the office of school safety, as determined by the state
15 superintendent of public instruction, remain in effect until their specified expiration
16 dates or until modified or rescinded by the department of public instruction.

17 **SECTION 9427. Effective dates; Justice.**

18 (1) OFFICE OF SCHOOL SAFETY TRANSFER. The treatment of ss. 13.94 (intro.) and
19 (1) (b) and (os), 15.253 (3), 20.255 (2) (cc), 20.455 (2) (f) and (im), 20.923 (4) (c) 6., 40.03
20 (2) (x) 1., 66.0301 (1) (a), 115.28 (10m) (b) and (15) (a) and (b), 118.017 (1) (a), 118.125
21 (4), 118.30 (1g) (a) 3. and (1s) (intro.), 118.33 (1) (f) 2., 2m., and 3., 119.04 (1), 120.18
22 (1) (o), 146.89 (1) (d) 2. and (g) 1., 165.28 (intro.), (1), (2), and (3), 165.88 (title), (1)
23 (intro.), (a), (b), (c), and (d), (2), (3), and (4), and 230.08 (2) (wc), and subchs. VIII (title)
24 and IX (title) of ch. 115, the renumbering of subch. VII (title) of ch. 115, the creation

1 of subch. VII (title) of ch. 115, and SECTION 9127 (1) of this act take effect on January
2 1, 2020.

3 (END)



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DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

editor - on electronic version - header is after title (please switch)

change to section 36

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2 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
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5 documents maintained by the departments and relating to their expenditures,
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8 except that access to documents of counties, cities, villages, towns or school districts
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10 and except that access to documents of the opportunity schools and partnership
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25 committee on finance, the legislative fiscal bureau, and the department audited, a

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23 amended to read:

24 20.255 (2) (f) *School safety*. As a continuing appropriation, the amounts in the
25 schedule to provide grants under s. ~~165-88~~ 115.945 (2).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 7.** 20.455 (2) (im) of the statutes is amended to read:

2 20.455 (2) (im) *Training to school staff.* All moneys received from fees collected
3 under s. ~~165.28 (3)~~ 165.25 (20) to provide training to school staff under s. ~~165.28 (3)~~
4 165.25 (20).

5 **SECTION 8.** 20.923 (4) (c) 6. of the statutes is repealed.

6 **SECTION 9.** 40.03 (2) (x) 1. of the statutes is amended to read:

7 40.03 (2) (x) 1. May enter into a memorandum of understanding with the
8 commissioner of the opportunity schools and partnership program under subch. ~~IX~~
9 X of ch. 115 to include the commissioner and individuals employed at schools
10 transferred to the program as participating employees and eligible for health care
11 coverage under s. 40.51 (7). For purposes of s. 40.21 (1), a memorandum of
12 understanding under this subdivision shall be considered a resolution adopted by a
13 governing body. The secretary may not enter into the memorandum of
14 understanding under this subdivision if the memorandum of understanding would
15 result in the violation s. 40.015.

16 **SECTION 10.** 66.0301 (1) (a) of the statutes is amended to read:

17 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
18 “municipality” means the state or any department or agency thereof, or any city,
19 village, town, county, or school district, the opportunity schools and partnership
20 programs under subch. ~~IX~~ X of ch. 115 and subch. II of ch. 119, the superintendent
21 of schools opportunity schools and partnership program under s. 119.33, or any
22 public library system, public inland lake protection and rehabilitation district,
23 sanitary district, farm drainage district, metropolitan sewerage district, sewer

1 utility district, solid waste management system created under s. 59.70 (2), local
2 exposition district created under subch. II of ch. 229, local professional baseball park
3 district created under subch. III of ch. 229, local professional football stadium district
4 created under subch. IV of ch. 229, local cultural arts district created under subch.
5 V of ch. 229, long-term care district under s. 46.2895, water utility district, mosquito
6 control district, municipal electric company, county or city transit commission,
7 commission created by contract under this section, taxation district, regional
8 planning commission, housing authority created under s. 66.1201, redevelopment
9 authority created under s. 66.1333, community development authority created
10 under s. 66.1335, or city-county health department.

11 **SECTION 11.** 115.28 (10m) (b) of the statutes is amended to read:

12 115.28 (10m) (b) By November 30 of the first year in which the state
13 superintendent determines that a school district is an eligible school district, as
14 defined in s. 115.999 (1) (d), and annually thereafter, submit to the commissioner of
15 the opportunity schools and partnership program under subch. ~~IX~~ X a report that
16 identifies each school in that eligible school district that was assigned to the lowest
17 performance category on the most recent accountability report published for the
18 school under s. 115.385 (1) and that disaggregates the schools by elementary school,
19 middle school, junior high school, high school, and senior high school.

20 **SECTION 12.** 115.28 (15) (a) of the statutes is amended to read:

21 115.28 (15) (a) Establish, by rule, standards for the approval of the abilities of
22 certified teachers and counselors and their aides participating in
23 bilingual-bicultural education programs under subch. ~~VII~~ VIII to read, write and
24 speak a non-English language and to possess knowledge of the culture of
25 limited-English proficient pupils.

1 shall transfer to another school, including a private or tribal school, or school district
2 all pupil records relating to a specific pupil if the transferring school district or
3 private school has received written notice from the pupil if he or she is an adult or
4 his or her parent or guardian if the pupil is a minor that the pupil intends to enroll
5 in the other school or school district or written notice from the other school or school
6 district that the pupil has enrolled or from a court that the pupil has been placed in
7 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential
8 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,
9 “school” and “school district” include any juvenile correctional facility, secured
10 residential care center for children and youth, adult correctional institution, mental
11 health institute, or center for the developmentally disabled that provides an
12 educational program for its residents instead of or in addition to that which is
13 provided by public, private, and tribal schools.

14 **SECTION 20.** 118.30 (1g) (a) 3. of the statutes is amended to read:

15 118.30 (1g) (a) 3. The governing body of each private school participating in the
16 program under s. 119.23 and the governing body of a private school that, pursuant
17 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
18 and general management of a school transferred to an opportunity schools and
19 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
20 shall adopt pupil academic standards in mathematics, science, reading and writing,
21 geography, and history. The governing body of the private school may adopt the pupil
22 academic standards issued by the governor as executive order no. 326, dated January
23 13, 1998.

24 **SECTION 21.** 118.30 (1s) (intro.) of the statutes is amended to read:

1 118.30 (1s) (intro.) Annually, the governing body of each private school
2 participating in the program under s. 119.23, other than a private school at which
3 fewer than 20 pupils in grades 3 to 12 are attending the school under the program
4 under s. 119.23, and the governing body of a private school that, pursuant to s.
5 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and
6 general management of a school transferred to an opportunity schools and
7 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
8 shall do all of the following:

9 **SECTION 22.** 118.33 (1) (f) 2. of the statutes is amended to read:

10 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that
11 operates high school grades and an individual or group or a person that, pursuant
12 to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the
13 operation and general management of a school transferred to an opportunity schools
14 and partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch.
15 119 and that operates high school grades shall develop and periodically review and
16 revise a policy specifying criteria for granting a high school diploma. The criteria
17 shall include the pupil's academic performance, successful completion of the civics
18 test under sub. (1m) (a), and the recommendations of teachers.

19 **SECTION 23.** 118.33 (1) (f) 2m. of the statutes is amended to read:

20 118.33 (1) (f) 2m. The governing body of each private school participating in the
21 program under s. 119.23 and the governing body of a private school that, pursuant
22 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
23 and general management of a school transferred to an opportunity schools and
24 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
25 shall develop and periodically review and revise a policy specifying criteria for

1 granting a high school diploma to pupils attending the private school under s. 119.23
2 or the school transferred to an opportunity schools and partnership program under
3 s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119. The criteria shall include the
4 pupil's academic performance, successful completion of the civics test under sub.
5 (1m) (a), and the recommendations of teachers.

6 **SECTION 24.** 118.33 (1) (f) 3. of the statutes is amended to read:

7 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under
8 s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999
9 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and
10 general management of a school transferred to an opportunity schools and
11 partnership program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119
12 may grant a high school diploma to any pupil unless the pupil has satisfied the
13 criteria specified in the school board's or charter school's policy under subd. 1. or 2.
14 Neither the governing body of a private school participating in the program under
15 s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3),
16 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general
17 management of a school transferred to an opportunity schools and partnership
18 program under s. 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119 may grant a
19 high school diploma to any pupil attending the private school under s. 119.23 or the
20 school transferred to an opportunity schools and partnership program under s.
21 119.33, subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied
22 the criteria specified in the governing body's policy under subd. 2m. The governing
23 body of a private school participating in the program under s. 118.60 may not grant
24 a high school diploma to any pupil attending the private school under s. 118.60 unless

1 the pupil has satisfied the criteria specified in the governing body's policy under
2 subd. 2r.

3 **SECTION 25.** 119.04 (1) of the statutes is amended to read:

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

17 **SECTION 26.** 120.18 (1) (o) of the statutes is amended to read:

18 120.18 (1) (o) The number of pupils enrolled in each school transferred to an
19 opportunity schools and partnership program under subch. ~~IX~~ X of ch. 115, as
20 reported by the commissioner in the enrollment report submitted pursuant to s.
21 115.999 (4).

22 **SECTION 27.** 146.89 (1) (d) 2. of the statutes is amended to read:

23 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
24 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
25 under s. 119.23 or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3)

1 (c), is responsible for the operation and general management of a school transferred
2 to an opportunity schools and partnership program under s. 119.33, subch. ~~IX~~ X of
3 ch. 115, or subch. II of ch. 119.

4 **SECTION 28.** 146.89 (1) (g) 1. of the statutes is amended to read:

5 146.89 (1) (g) 1. A public elementary school, including an elementary school
6 transferred to an opportunity schools and partnership program under s. 119.33,
7 subch. ~~IX~~ X of ch. 115, or subch. II of ch. 119.

8 **SECTION 29.** 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

9 **SECTION 30.** 165.28 (1) of the statutes is renumbered 115.94 (1) and amended
10 to read:

11 115.94 (1) In conjunction with the department of ~~public instruction~~ justice,
12 create model practices for school safety. The department of ~~public instruction~~ justice
13 shall provide any resources or staff requested by the office to create the model
14 practices. The office shall also consult the Wisconsin School Safety Coordinators
15 Association and the Wisconsin Safe and Healthy Schools Training and Technical
16 Assistance Center when creating the model practices.

17 **SECTION 31.** 165.28 (2) of the statutes is renumbered 115.94 (2).

18 **SECTION 32.** 165.28 (3) of the statutes is renumbered 165.25 (20) and amended
19 to read:

20 165.25 (20) TRAINING ON SCHOOL SAFETY. Offer, or contract with another party
21 to offer, training to school staff on school safety. Training subjects may include
22 trauma informed care and how adverse childhood experiences have an impact on a
23 child's development and increase needs for counseling or support. If a school receives
24 under s. ~~165.88~~ 115.945 (2) (b) a grant for the training under this subsection, the
25 office department may charge a fee for the training.

1 **SECTION 33.** 165.88 (title) of the statutes is renumbered 115.945 (title).

2 **SECTION 34.** 165.88 (1) (intro.) and (a) of the statutes are consolidated,
3 renumbered 115.945 (1) and amended to read:

4 115.945 (1) ~~DEFINITIONS~~ DEFINITION. In this section:—(a)—“Independent,
5 “independent charter school” means a charter school established under s. 118.40 (2r)
6 or (2x).

7 **SECTION 35.** 165.88 (1) (b), (c) and (d) of the statutes are repealed.

8 **SECTION 36.** 165.88 (2) of the statutes is renumbered 115.945 (2), and 115.945
9 (2) (a) and (b), as renumbered, are amended to read:

10 115.945 (2) (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the
11 department of justice shall award grants for expenditures related to improving
12 school safety. The department shall accept applications for a grant under this
13 subsection from school boards, operators of independent charter schools, governing
14 bodies of private schools, and tribal schools.

15 (b) The department of justice, ^{justice} ~~in consultation with the department of~~ ^{plan} public
16 ~~instruction,~~ shall develop a plan for use in awarding grants under this subsection.
17 The department of justice shall include in the plan a description of what types of
18 expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall
19 include expenditures to comply with the model practices created in s. ~~165.28~~ 115.94
20 (1); expenditures for training under s. ~~165.28~~ (3) 165.25 (20); expenditures for
21 safety-related upgrades to school buildings, equipment, and facilities; and
22 expenditures necessary to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10
23 (1), the plan need not be promulgated as rules under ch. 227.

24 **SECTION 37.** 165.88 (3) of the statutes is renumbered 115.945 (3).

1 **SECTION 38.** 165.88 (4) of the statutes is renumbered 115.945 (4) and amended
2 to read:

3 **115.945 (4) REPORT.** The department of justice shall submit an annual report
4 to the cochairpersons of the joint committee on finance providing an account of the
5 grants awarded under sub. (2) and the expenditures made with the grant moneys.

6 **SECTION 39.** 230.08 (2) (wc) of the statutes is repealed.

7 **SECTION 9127. Nonstatutory provisions; Justice.**

8 (1) **TRANSFER OF OFFICE OF SCHOOL SAFETY.**

9 (a) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property of the department of justice that is primarily related to
11 the duties of the office of school safety, as determined by the state superintendent of
12 public instruction, is transferred to the department of public instruction.

13 (b) *Contracts.* All contracts entered into by the department of justice in effect
14 on the effective date of this paragraph that are primarily related to the duties of the
15 office of school safety, as determined by the state superintendent of public
16 instruction, remain in effect and are transferred to the department of public
17 instruction. The department of public instruction shall carry out any obligations
18 under those contracts unless modified or rescinded by the department of public
19 instruction to the extent allowed under the contract.

20 (c) *Rules and orders.* All rules promulgated by the department of justice in
21 effect on the effective date of this paragraph that are primarily related to the duties
22 of the office of school safety, as determined by the state superintendent of public
23 instruction, remain in effect until their specified expiration dates or until amended
24 or repealed by the department of public instruction. All orders issued by the
25 department of justice in effect on the effective date of this paragraph that are

1 primarily related to the duties of the office of school safety, as determined by the state
2 superintendent of public instruction, remain in effect until their specified expiration
3 dates or until modified or rescinded by the department of public instruction.

4 **SECTION 9427. Effective dates; Justice.**

5 (1) OFFICE OF SCHOOL SAFETY TRANSFER. The treatment of ss. 13.94 (intro.) and
6 (1) (b) and (os), 15.253 (3), 20.255 (2) (cc), 20.455 (2) (f) and (im), 20.923 (4) (c) 6., 40.03
7 (2) (x) 1., 66.0301 (1) (a), 115.28 (10m) (b) and (15) (a) and (b), 118.017 (1) (a), 118.125
8 (4), 118.30 (1g) (a) 3. and (1s) (intro.), 118.33 (1) (f) 2., 2m., and 3., 119.04 (1), 120.18
9 (1) (o), 146.89 (1) (d) 2. and (g) 1., 165.28 (intro.), (1), (2), and (3), 165.88 (title), (1)
10 (intro.), (a), (b), (c), and (d), (2), (3), and (4), and 230.08 (2) (wc), and subchs. VIII (title)
11 and IX (title) of ch. 115, the renumbering of subch. VII (title) of ch. 115, the creation
12 of subch. VII (title) of ch. 115, and SECTION 9127 (1) of this act take effect on January
13 1, 2020.

14 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1704/P5dn

KRP:... *am*

- Date -

This draft reconciles LRB-0974/P2, LRB-1704/P4, LRB-1746/P2, LRB-1801/P4, LRB-2139/P1, and LRB-2165/P1. All of these drafts should continue to appear in the compiled bill.

Cathlene M. Hanaman
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P5
RMR

IN 02/21/19

DOA:.....Schmidt, BB0217 - Transfer the office of school safety from DOJ to
DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

DNOTE

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Moving office of school safety to DPI

This bill moves the Office of School Safety from DOJ to DPI. The office of school safety was created in 2017 Wisconsin Act 143 to create model practices for school safety, to compile blueprints and geographic information system (GIS) maps of schools for use by law enforcement agencies, to award grants to schools for expenditures related to improving school safety, and to offer training to school staff on school safety. Under the bill, all of those duties, except for the duty to offer training to school staff on school safety move with the office to DPI. Under the bill, DOJ retains the duty to offer such training.

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

2 **SECTION 1.** 13.94 (intro.) of the statutes is amended to read:

3 **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be
4 known as the "Legislative Audit Bureau," headed by a chief known as the "State

1 Auditor." The bureau shall be strictly nonpartisan and shall at all times observe the
2 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
3 (a) and (f), the state auditor or designated employees shall at all times with or
4 without notice have access to all departments and to any books, records or other
5 documents maintained by the departments and relating to their expenditures,
6 revenues, operations and structure, including specifically any such books, records,
7 or other documents that are confidential by law, except as provided in sub. (4) and
8 except that access to documents of counties, cities, villages, towns or school districts
9 is limited to work performed in connection with audits authorized under sub. (1) (m)
10 and except that access to documents of the opportunity schools and partnership
11 programs under s. 119.33, subch. IX X of ch. 115, and subch. II of ch. 119 is limited
12 to work performed in connection with audits authorized under sub. (1) (os). In the
13 discharge of any duty imposed by law, the state auditor may subpoena witnesses,
14 administer oaths and take testimony and cause the deposition of witnesses to be
15 taken as prescribed for taking depositions in civil actions in circuit courts.

16 **SECTION 2.** 13.94 (1) (b) of the statutes is amended to read:

17 13.94 (1) (b) At the state auditor's discretion or as the joint legislative audit
18 committee directs, audit the records of each department. Audits of the records of a
19 county, city, village, town, or school district may be performed only as provided in par.
20 (m). Audits of the records of the opportunity schools and partnership programs
21 under s. 119.33, subch. IX X of ch. 115, and subch. II of ch. 119 may be performed only
22 as provided in par. (os). After completion of any audit under this paragraph, the
23 bureau shall file with the chief clerk of each house of the legislature, the governor,
24 the department of administration, the legislative reference bureau, the joint
25 committee on finance, the legislative fiscal bureau, and the department audited, a

1 detailed report of the audit, including the bureau's recommendations for
2 improvement and efficiency and including specific instances, if any, of illegal or
3 improper expenditures. The chief clerks shall distribute the report to the joint
4 legislative audit committee, the appropriate standing committees of the legislature,
5 and the joint committee on legislative organization.

6 **SECTION 3.** 13.94 (1) (os) of the statutes is amended to read:

7 13.94 (1) (os) Beginning in 2017, and biennially thereafter, prepare a
8 performance evaluation audit of the opportunity schools and partnership programs
9 under s. 119.33, subch. IX X of ch. 115, and subch. II of ch. 119. The legislative audit
10 bureau shall file a copy of the report of the audit under this paragraph with the
11 distributees specified in par. (b).

12 **SECTION 4.** 15.253 (3) of the statutes is renumbered 15.374 (2) and amended
13 to read:

14 15.374 (2) OFFICE OF SCHOOL SAFETY. There is created an office of school safety
15 in the department of public instruction. The director of the office shall be appointed
16 by the attorney general state superintendent of public instruction in the classified
17 service.

18 **SECTION 5.** 20.255 (2) (cc) of the statutes is amended to read:

19 20.255 (2) (cc) *Bilingual-bicultural education aids*. The amounts in the
20 schedule for bilingual-bicultural education programs under subch. VII VIII of ch.
21 115.

22 **SECTION 6.** 20.455 (2) (f) of the statutes is renumbered 20.255 (2) (f) and
23 amended to read:

24 20.255 (2) (f) *School safety*. As a continuing appropriation, the amounts in the
25 schedule to provide grants under s. 165.88 115.945 (2).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 7.** 20.455 (2) (im) of the statutes is amended to read:

2 20.455 (2) (im) *Training to school staff.* All moneys received from fees collected
3 under s. ~~165.28 (3)~~ 165.25 (20) to provide training to school staff under s. ~~165.28 (3)~~
4 165.25 (20).

5 **SECTION 8.** 20.923 (4) (c) 6. of the statutes is repealed.

6 **SECTION 9.** 40.03 (2) (x) 1. of the statutes is amended to read:

7 40.03 (2) (x) 1. May enter into a memorandum of understanding with the
8 commissioner of the opportunity schools and partnership program under subch. ~~IX~~
9 X of ch. 115 to include the commissioner and individuals employed at schools
10 transferred to the program as participating employees and eligible for health care
11 coverage under s. 40.51 (7). For purposes of s. 40.21 (1), a memorandum of
12 understanding under this subdivision shall be considered a resolution adopted by a
13 governing body. The secretary may not enter into the memorandum of
14 understanding under this subdivision if the memorandum of understanding would
15 result in the violation s. 40.015.

16 **SECTION 10.** 66.0301 (1) (a) of the statutes is amended to read:

17 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
18 "municipality" means the state or any department or agency thereof, or any city,
19 village, town, county, or school district, the opportunity schools and partnership
20 programs under subch. ~~IX~~ X of ch. 115 and subch. II of ch. 119, the superintendent
21 of schools opportunity schools and partnership program under s. 119.33, or any
22 public library system, public inland lake protection and rehabilitation district,
23 sanitary district, farm drainage district, metropolitan sewerage district, sewer

1 utility district, solid waste management system created under s. 59.70 (2), local
2 exposition district created under subch. II of ch. 229, local professional baseball park
3 district created under subch. III of ch. 229, local professional football stadium district
4 created under subch. IV of ch. 229, local cultural arts district created under subch.
5 V of ch. 229, long-term care district under s. 46.2895, water utility district, mosquito
6 control district, municipal electric company, county or city transit commission,
7 commission created by contract under this section, taxation district, regional
8 planning commission, housing authority created under s. 66.1201, redevelopment
9 authority created under s. 66.1333, community development authority created
10 under s. 66.1335, or city-county health department.

11 **SECTION 11.** 115.28 (10m) (b) of the statutes is amended to read:

12 115.28 (10m) (b) By November 30 of the first year in which the state
13 superintendent determines that a school district is an eligible school district, as
14 defined in s. 115.999 (1) (d), and annually thereafter, submit to the commissioner of
15 the opportunity schools and partnership program under subch. IX X a report that
16 identifies each school in that eligible school district that was assigned to the lowest
17 performance category on the most recent accountability report published for the
18 school under s. 115.385 (1) and that disaggregates the schools by elementary school,
19 middle school, junior high school, high school, and senior high school.

20 **SECTION 12.** 115.28 (15) (a) of the statutes is amended to read:

21 115.28 (15) (a) Establish, by rule, standards for the approval of the abilities of
22 certified teachers and counselors and their aides participating in
23 bilingual-bicultural education programs under subch. VII VIII to read, write and
24 speak a non-English language and to possess knowledge of the culture of
25 limited-English proficient pupils.

1 shall transfer to another school, including a private or tribal school, or school district
2 all pupil records relating to a specific pupil if the transferring school district or
3 private school has received written notice from the pupil if he or she is an adult or
4 his or her parent or guardian if the pupil is a minor that the pupil intends to enroll
5 in the other school or school district or written notice from the other school or school
6 district that the pupil has enrolled or from a court that the pupil has been placed in
7 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential
8 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,
9 "school" and "school district" include any juvenile correctional facility, secured
10 residential care center for children and youth, adult correctional institution, mental
11 health institute, or center for the developmentally disabled that provides an
12 educational program for its residents instead of or in addition to that which is
13 provided by public, private, and tribal schools.

14 **SECTION 20.** 118.30 (1g) (a) 3. of the statutes is amended to read:

15 118.30 (1g) (a) 3. The governing body of each private school participating in the
16 program under s. 119.23 and the governing body of a private school that, pursuant
17 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
18 and general management of a school transferred to an opportunity schools and
19 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
20 shall adopt pupil academic standards in mathematics, science, reading and writing,
21 geography, and history. The governing body of the private school may adopt the pupil
22 academic standards issued by the governor as executive order no. 326, dated January
23 13, 1998.

24 **SECTION 21.** 118.30 (1s) (intro.) of the statutes is amended to read:

1 118.30 (1s) (intro.) Annually, the governing body of each private school
 2 participating in the program under s. 119.23, other than a private school at which
 3 fewer than 20 pupils in grades 3 to 12 are attending the school under the program
 4 under s. 119.23, and the governing body of a private school that, pursuant to s.
 5 115.999 (3), 119.33 (2) (e) 3., or 119.9002 (3) (c), is responsible for the operation and
 6 general management of a school transferred to an opportunity schools and
 7 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
 8 shall do all of the following:

9 **SECTION 22.** 118.33 (1) (f) 2. of the statutes is amended to read:

10 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that
 11 operates high school grades and an individual or group or a person that, pursuant
 12 to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the
 13 operation and general management of a school transferred to an opportunity schools
 14 and partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch.
 15 119 and that operates high school grades shall develop and periodically review and
 16 revise a policy specifying criteria for granting a high school diploma. The criteria
 17 shall include the pupil's academic performance, successful completion of the civics
 18 test under sub. (1m) (a), and the recommendations of teachers.

19 **SECTION 23.** 118.33 (1) (f) 2m. of the statutes is amended to read:

20 118.33 (1) (f) 2m. The governing body of each private school participating in the
 21 program under s. 119.23 and the governing body of a private school that, pursuant
 22 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
 23 and general management of a school transferred to an opportunity schools and
 24 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
 25 shall develop and periodically review and revise a policy specifying criteria for

1 granting a high school diploma to pupils attending the private school under s. 119.23
2 or the school transferred to an opportunity schools and partnership program under
3 s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119. The criteria shall include the
4 pupil's academic performance, successful completion of the civics test under sub.
5 (1m) (a), and the recommendations of teachers.

6 **SECTION 24.** 118.33 (1) (f) 3. of the statutes is amended to read:

7 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under
8 s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999
9 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and
10 general management of a school transferred to an opportunity schools and
11 partnership program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119
12 may grant a high school diploma to any pupil unless the pupil has satisfied the
13 criteria specified in the school board's or charter school's policy under subd. 1. or 2.
14 Neither the governing body of a private school participating in the program under
15 s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3),
16 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general
17 management of a school transferred to an opportunity schools and partnership
18 program under s. 119.33, subch. IX X of ch. 115, or subch. II of ch. 119 may grant a
19 high school diploma to any pupil attending the private school under s. 119.23 or the
20 school transferred to an opportunity schools and partnership program under s.
21 119.33, subch. IX X of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied
22 the criteria specified in the governing body's policy under subd. 2m. The governing
23 body of a private school participating in the program under s. 118.60 may not grant
24 a high school diploma to any pupil attending the private school under s. 118.60 unless

1 the pupil has satisfied the criteria specified in the governing body's policy under
2 subd. 2r.

3 **SECTION 25.** 119.04 (1) of the statutes is amended to read:

, as affected by 2019 Wisconsin Act...

(this act),

4 119.04 (1) Subchapters IV, V, and VII VIII of ch. 115, ch. 121 and ss. 66.0235
5 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
6 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 118.001
7 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
8 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
9 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10),
10 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43,
11 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15)
12 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),
13 (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a

14 1st class city school district and board but not, unless explicitly provided in this
15 chapter or in the terms of a contract, to the commissioner or to any school transferred
16 to an opportunity schools and partnership program.

17 **SECTION 26.** 120.18 (1) (o) of the statutes is amended to read:

18 120.18 (1) (o) The number of pupils enrolled in each school transferred to an
19 opportunity schools and partnership program under subch. IX X of ch. 115, as
20 reported by the commissioner in the enrollment report submitted pursuant to s.
21 115.999 (4).

22 **SECTION 27.** 146.89 (1) (d) 2. of the statutes is amended to read:

23 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
24 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
25 under s. 119.23 or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3)

INSERT
10-17

1 (c), is responsible for the operation and general management of a school transferred
2 to an opportunity schools and partnership program under s. 119.33, subch. IX X of
3 ch. 115, or subch. II of ch. 119.

4 ~~SECTION 28.~~ 146.89 (1) (g) 1. of the statutes is amended to read:

5 146.89 (1) (g) 1. A public elementary school, including an elementary school
6 transferred to an opportunity schools and partnership program under s. 119.33,
7 subch. IX X of ch. 115, or subch. II of ch. 119.

8 **SECTION 29.** 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

9 **SECTION 30.** 165.28 (1) of the statutes is renumbered 115.94 (1) and amended
10 to read:

11 115.94 (1) In conjunction with the department of ~~public instruction~~ justice,
12 create model practices for school safety. The department of ~~public instruction~~ justice
13 shall provide any resources or staff requested by the office to create the model
14 practices. The office shall also consult the Wisconsin School Safety Coordinators
15 Association and the Wisconsin Safe and Healthy Schools Training and Technical
16 Assistance Center when creating the model practices.

17 **SECTION 31.** 165.28 (2) of the statutes is renumbered 115.94 (2).

18 **SECTION 32.** 165.28 (3) of the statutes is renumbered 165.25 (20) and amended
19 to read:

20 165.25 (20) TRAINING ON SCHOOL SAFETY. Offer, or contract with another party
21 to offer, training to school staff on school safety. Training subjects may include
22 trauma informed care and how adverse childhood experiences have an impact on a
23 child's development and increase needs for counseling or support. If a school receives
24 under s. ~~165.88~~ 115.945 (2) (b) a grant for the training under this subsection, the
25 office department may charge a fee for the training.

1 **SECTION 33.** 165.88 (title) of the statutes is renumbered 115.945 (title).

2 **SECTION 34.** 165.88 (1) (intro.) and (a) of the statutes are consolidated,
3 renumbered 115.945 (1) and amended to read:

4 115.945 (1) ~~DEFINITIONS~~ DEFINITION. In this section:—(a)—“Independent,
5 “independent charter school” means a charter school established under s. 118.40 (2r)
6 or (2x).

7 **SECTION 35.** 165.88 (1) (b), (c) and (d) of the statutes are repealed.

8 **SECTION 36.** 165.88 (2) of the statutes is renumbered 115.945 (2), and 115.945
9 (2) (a) and (b), as renumbered, are amended to read:

10 115.945 (2) (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the
11 department of justice shall award grants for expenditures related to improving
12 school safety. The department shall accept applications for a grant under this
13 subsection from school boards, operators of independent charter schools, governing
14 bodies of private schools, and tribal schools.

15 (b) The department of justice, in consultation with the department of public
16 ~~instruction~~ justice, shall develop a plan for use in awarding grants under this
17 subsection. The department of justice shall include in the plan a description of what
18 types of expenditures are eligible to be funded by grant proceeds. Eligible
19 expenditures shall include expenditures to comply with the model practices created
20 in s. ~~165.28~~ 115.94 (1); expenditures for training under s. ~~165.28~~ (3) 165.25 (20);
21 expenditures for safety-related upgrades to school buildings, equipment, and
22 facilities; and expenditures necessary to comply with s. 118.07 (4) (cf).
23 Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch.
24 227.

25 **SECTION 37.** 165.88 (3) of the statutes is renumbered 115.945 (3).

1 **SECTION 38.** 165.88 (4) of the statutes is renumbered 115.945 (4) and amended
2 to read:

3 115.945 (4) **REPORT.** The department of justice shall submit an annual report
4 to the cochairpersons of the joint committee on finance providing an account of the
5 grants awarded under sub. (2) and the expenditures made with the grant moneys.

6 **SECTION 39.** 230.08 (2) (wc) of the statutes is repealed.

7 **SECTION 9127. Nonstatutory provisions; Justice.**

8 (1) **TRANSFER OF OFFICE OF SCHOOL SAFETY.**

9 (a) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property of the department of justice that is primarily related to
11 the duties of the office of school safety, as determined by the state superintendent of
12 public instruction, is transferred to the department of public instruction.

13 (b) *Contracts.* All contracts entered into by the department of justice in effect
14 on the effective date of this paragraph that are primarily related to the duties of the
15 office of school safety, as determined by the state superintendent of public
16 instruction, remain in effect and are transferred to the department of public
17 instruction. The department of public instruction shall carry out any obligations
18 under those contracts unless modified or rescinded by the department of public
19 instruction to the extent allowed under the contract.

20 (c) *Rules and orders.* All rules promulgated by the department of justice in
21 effect on the effective date of this paragraph that are primarily related to the duties
22 of the office of school safety, as determined by the state superintendent of public
23 instruction, remain in effect until their specified expiration dates or until amended
24 or repealed by the department of public instruction. All orders issued by the
25 department of justice in effect on the effective date of this paragraph that are

1 primarily related to the duties of the office of school safety, as determined by the state
2 superintendent of public instruction, remain in effect until their specified expiration
3 dates or until modified or rescinded by the department of public instruction.

4 **SECTION 9427. Effective dates; Justice.**

5 (1) OFFICE OF SCHOOL SAFETY TRANSFER. The treatment of ss. 13.94 (intro.) and
6 (1) (b) and (os), 15.253 (3), 20.255 (2) (cc), 20.455 (2) (f) and (im), 20.923 (4) (c) 6., 40.03
7 (2) (x) 1., 66.0301 (1) (a), 115.28 (10m) (b) and (15) (a) and (b), 118.017 (1) (a), 118.125
8 (4), 118.30 (1g) (a) 3. and (1s) (intro.), 118.33 (1) (f) 2., 2m., and 3., 119.04 (1), 120.18
9 (1) (o), 146.89 (1) (d) 2. and (g) 1., 165.28 (intro.), (1), (2), and (3), 165.88 (title), (1)
10 (intro.), (a), (b), (c), and (d), (2), (3), and (4), and 230.08 (2) (wc), and subchs VIII (title)
11 and IX (title) of ch. 115, the renumbering of subch. VII (title) of ch. 115, the creation
12 of subch. VII (title) of ch. 115, and SECTION 9127 (1) of this act take effect on January
13 1, 2020.

14 (END)

create
A.R.
11
(by SECTION 9127)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1704/P5ins
KRP:...

INSERT 10-17

****NOTE: This is reconciled s. 119.04 (1), as affected by 2019 Wisconsin Act (this act). This SECTION has been affected by drafts with the following LRB numbers: LRB-0974/P2, LRB-1704/P4, LRB-1746/P2, LRB-1801/P4, and LRB-2165/P1.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1704/P5dn
KRP:amn

February 21, 2019

This draft reconciles LRB-0974/P2, LRB-1704/P4, LRB-1746/P2, LRB-1801/P4, LRB-2139/P1, and LRB-2165/P1. All of these drafts should continue to appear in the compiled bill.

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DOA:.....Schmidt, BB0217 - Transfer the office of school safety from DOJ to
DPI

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

1. Moving office of school safety to DPI

This bill moves the Office of School Safety from DOJ to DPI. The office of school safety was created in 2017 Wisconsin Act 143 to create model practices for school safety, to compile blueprints and geographic information system (GIS) maps of schools for use by law enforcement agencies, to award grants to schools for expenditures related to improving school safety, and to offer training to school staff on school safety. Under the bill, all of those duties, except for the duty to offer training to school staff on school safety move with the office to DPI. Under the bill, DOJ retains the duty to offer such training.

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

2 **SECTION 1.** 15.253 (3) of the statutes is renumbered 15.374 (2) and amended
3 to read:

1 15.374 (2) OFFICE OF SCHOOL SAFETY. There is created an office of school safety
2 in the department of public instruction. The director of the office shall be appointed
3 by the ~~attorney general~~ state superintendent of public instruction in the classified
4 service.

5 **SECTION 2.** 20.455 (2) (f) of the statutes is renumbered 20.255 (2) (f) and
6 amended to read:

7 20.255 (2) (f) *School safety.* As a continuing appropriation, the amounts in the
8 schedule to provide grants under s. ~~165.88~~ 115.945 (2).

 ****NOTE: This SECTION involves a change in an appropriation that must be
 reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 3.** 20.455 (2) (im) of the statutes is amended to read:

10 20.455 (2) (im) *Training to school staff.* All moneys received from fees collected
11 under s. ~~165.28 (3)~~ 165.25 (20) to provide training to school staff under s. ~~165.28 (3)~~
12 165.25 (20).

13 **SECTION 4.** 20.923 (4) (c) 6. of the statutes is repealed.

14 **SECTION 5.** 115.28 (15) (a) of the statutes is amended to read:

15 115.28 (15) (a) Establish, by rule, standards for the approval of the abilities of
16 certified teachers and counselors and their aides participating in
17 bilingual-bicultural education programs under subch. VII VIII to read, write and
18 speak a non-English language and to possess knowledge of the culture of
19 limited-English proficient pupils.

20 **SECTION 6.** 115.28 (15) (b) of the statutes is amended to read:

21 115.28 (15) (b) Establish, by rule, minimum standards for bilingual-bicultural
22 education programs under subch. VII VIII.

1 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
2 applicable to a 1st class city school district and board.

****NOTE: This is reconciled s. 119.04 (1), as affected by this act. This SECTION has
been affected by drafts with the following LRB numbers: LRB-0974/P2, LRB-1704/P4,
LRB-1746/P2, LRB-1801/P4, and LRB-2165/P1.

3 **SECTION 12.** 165.28 (intro.) of the statutes is renumbered 115.94 (intro.).

4 **SECTION 13.** 165.28 (1) of the statutes is renumbered 115.94 (1) and amended
5 to read:

6 115.94 (1) In conjunction with the department of ~~public instruction~~ justice,
7 create model practices for school safety. The department of ~~public instruction~~ justice
8 shall provide any resources or staff requested by the office to create the model
9 practices. The office shall also consult the Wisconsin School Safety Coordinators
10 Association and the Wisconsin Safe and Healthy Schools Training and Technical
11 Assistance Center when creating the model practices.

12 **SECTION 14.** 165.28 (2) of the statutes is renumbered 115.94 (2).

13 **SECTION 15.** 165.28 (3) of the statutes is renumbered 165.25 (20) and amended
14 to read:

15 165.25 (20) TRAINING ON SCHOOL SAFETY. Offer, or contract with another party
16 to offer, training to school staff on school safety. Training subjects may include
17 trauma informed care and how adverse childhood experiences have an impact on a
18 child's development and increase needs for counseling or support. If a school receives
19 under s. ~~165.88~~ 115.945 (2) (b) a grant for the training under this subsection, the
20 ~~office~~ department may charge a fee for the training.

21 **SECTION 16.** 165.88 (title) of the statutes is renumbered 115.945 (title).

22 **SECTION 17.** 165.88 (1) (intro.) and (a) of the statutes are consolidated,
23 renumbered 115.945 (1) and amended to read:

1 115.945 (1) ~~DEFINITIONS~~ DEFINITION. In this section:—(a)—“Independent,
2 “independent charter school” means a charter school established under s. 118.40 (2r)
3 or (2x).

4 **SECTION 18.** 165.88 (1) (b), (c) and (d) of the statutes are repealed.

5 **SECTION 19.** 165.88 (2) of the statutes is renumbered 115.945 (2), and 115.945
6 (2) (a) and (b), as renumbered, are amended to read:

7 115.945 (2) (a) From the appropriation under s. ~~20.455~~ 20.255 (2) (f), the
8 department of justice shall award grants for expenditures related to improving
9 school safety. The department shall accept applications for a grant under this
10 subsection from school boards, operators of independent charter schools, governing
11 bodies of private schools, and tribal schools.

12 (b) The department of justice, in consultation with the department of public
13 instruction justice, shall develop a plan for use in awarding grants under this
14 subsection. The department of justice shall include in the plan a description of what
15 types of expenditures are eligible to be funded by grant proceeds. Eligible
16 expenditures shall include expenditures to comply with the model practices created
17 in s. ~~165.28~~ 115.94 (1); expenditures for training under s. ~~165.28 (3)~~ 165.25 (20);
18 expenditures for safety-related upgrades to school buildings, equipment, and
19 facilities; and expenditures necessary to comply with s. 118.07 (4) (cf).
20 Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch.
21 227.

22 **SECTION 20.** 165.88 (3) of the statutes is renumbered 115.945 (3).

23 **SECTION 21.** 165.88 (4) of the statutes is renumbered 115.945 (4) and amended
24 to read:

1 115.945 (4) REPORT. The department of justice shall submit an annual report
2 to the cochairpersons of the joint committee on finance providing an account of the
3 grants awarded under sub. (2) and the expenditures made with the grant moneys.

4 **SECTION 22.** 230.08 (2) (wc) of the statutes is repealed.

5 **SECTION 9127. Nonstatutory provisions; Justice.**

6 (1) TRANSFER OF OFFICE OF SCHOOL SAFETY.

7 (a) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property of the department of justice that is primarily related to
9 the duties of the office of school safety, as determined by the state superintendent of
10 public instruction, is transferred to the department of public instruction.

11 (b) *Contracts.* All contracts entered into by the department of justice in effect
12 on the effective date of this paragraph that are primarily related to the duties of the
13 office of school safety, as determined by the state superintendent of public
14 instruction, remain in effect and are transferred to the department of public
15 instruction. The department of public instruction shall carry out any obligations
16 under those contracts unless modified or rescinded by the department of public
17 instruction to the extent allowed under the contract.

18 (c) *Rules and orders.* All rules promulgated by the department of justice in
19 effect on the effective date of this paragraph that are primarily related to the duties
20 of the office of school safety, as determined by the state superintendent of public
21 instruction, remain in effect until their specified expiration dates or until amended
22 or repealed by the department of public instruction. All orders issued by the
23 department of justice in effect on the effective date of this paragraph that are
24 primarily related to the duties of the office of school safety, as determined by the state

1 superintendent of public instruction, remain in effect until their specified expiration
2 dates or until modified or rescinded by the department of public instruction.

3 **SECTION 9427. Effective dates; Justice.**

4 (1) OFFICE OF SCHOOL SAFETY TRANSFER. The treatment of ss. 15.253 (3), 20.455
5 (2) (f) and (im), 20.923 (4) (c) 6., 115.28 (15) (a) and (b), 118.017 (1) (a), 119.04 (1) (by
6 SECTION 11), 165.28 (intro.), (1), (2), and (3), 165.88 (title), (1) (intro.), (a), (b), (c), and
7 (d), (2), (3), and (4), and 230.08 (2) (wc), and subch. VIII (title) of ch. 115, the
8 renumbering of subch. VII (title) of ch. 115, the creation of subch. VII (title) of ch. 115,
9 and SECTION 9127 (1) of this act take effect on January 1, 2020.

10

(END)