

State of Wisconsin



2009 Senate Bill 154

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 309

AN ACT *to repeal* 118.127 (1), 118.128 and 120.12 (26) (title); *to renumber* 118.127 (2); *to renumber and amend* 118.125 (2) (n) and 120.12 (26); *to amend* 118.07 (2) (a), 118.125 (2), 118.125 (2) (d), 119.04 (1) and 938.396 (1) (c) 3. (intro.); and *to create* 118.02 (9t), 118.07 (4) (a) 2., 118.07 (4) (b) to (d), 118.125 (2) (n) 2., 118.46 and 950.08 (2w) of the statutes; **relating to:** school safety plans, pupil records, and school bullying.

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

SECTION 1. 118.02 (9t) of the statutes is created to read:

118.02 (9t) Wednesday of the 4th week in September, Bullying Awareness Day.

SECTION 2. 118.07 (2) (a) of the statutes is amended to read:

118.07 (2) (a) Once each month, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of departure from the building as if in case of a fire, except when the person having direct charge deems that the health of the pupils may be endangered by inclement weather conditions. At least twice annually, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of evacuation to a safe location as if in the case of a tornado or other hazard. At least twice annually, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of evacuation or other appropriate action in case of a school safety incident. The public and private school safety drill shall be based on the school safety plan adopted under s. 118.07 (4). A safety drill

may be substituted for any other drill required under this paragraph. The school board or governing body of the private school shall maintain for at least 7 years a record of each fire drill ~~and~~ tornado or other hazard drill, and school safety drill conducted.

SECTION 3. 118.07 (4) (a) 2. of the statutes is created to read:

118.07 (4) (a) 2. If a school district is created or a public or private school opens after the effective date of this paragraph [LRB inserts date], the school board or governing body of the private school shall have in effect a school safety plan for each public or private school within 3 years of its creation or opening.

SECTION 4. 118.07 (4) (b) to (d) of the statutes are created to read:

118.07 (4) (b) A school safety plan shall be created with the active participation of appropriate parties, as specified by the school board or governing body of the private school. The appropriate parties may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. A school safety plan shall include general guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. The plan shall also specify the process for reviewing the and meth-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ods for conducting drills required to comply with the plan.

(c) The school board or governing body of the private school shall determine which persons are required to receive school safety plan training and the frequency of the training. The training shall be based upon the school district's or private school's prioritized needs, risks, and vulnerabilities.

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

SECTION 5. 118.125 (2) of the statutes is amended to read:

118.125 (2) CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (p) and sub. (2m). The school board shall adopt ~~regulations~~ policies to maintain the confidentiality of such records and may adopt policies to promote the disclosure of pupil records and information permitted by law for purposes of school safety.

SECTION 6. 118.125 (2) (d) of the statutes is amended to read:

118.125 (2) (d) Pupil records shall be made available to persons employed by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a license, law enforcement officers who are individually designated by the school board and assigned to the school district, and other school district officials who have been determined by the school board to have legitimate educational interests, including safety interests, in the pupil records. Law enforcement officers' records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s. 118.127 (2). A school board member or an employee of a school district may not be held personally liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the member or employee acted with actual malice in failing to disclose the information. A school district may not be held liable for any damages caused by the nondisclosure of any information specified in this paragraph unless the school district or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct in failing to disclose the information.

SECTION 7. 118.125 (2) (n) of the statutes is renumbered 118.125 (2) (n) (intro.) and amended to read:

118.125 (2) (n) (intro.) ~~For the any purpose of providing services to a pupil before adjudication, a concerning the juvenile justice system and the system's ability to effectively serve a pupil, prior to adjudication:~~

1. A school board may disclose pupil records to a law enforcement agency, district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court, private school, or another school board if disclosure is pursuant to an interagency agreement and

the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as ~~permitted under this subsection~~ otherwise authorized by law.

SECTION 8. 118.125 (2) (n) 2. of the statutes is created to read:

118.125 (2) (n) 2. A school board shall disclose pertinent pupil records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve the pupil, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law.

SECTION 9. 118.127 (1) of the statutes is repealed.

SECTION 10. 118.127 (2) of the statutes is renumbered 118.127.

SECTION 11. 118.128 of the statutes is repealed.

SECTION 12. 118.46 of the statutes is created to read: **118.46 Policy on bullying. (1)** By March 1, 2010, the department shall do all of the following:

(a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:

1. A definition of bullying.
2. A prohibition on bullying.
3. A procedure for reporting bullying that allows reports to be made confidentially.
4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.
5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.
6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.
7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.
8. An identification of the school-related events at which the policy applies.
9. An identification of the property owned, leased, or used by the school district on which the policy applies.
10. An identification of the vehicles used for pupil transportation on which the policy applies.

(b) Develop a model education and awareness program on bullying.

(c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

(2) By August 15, 2010, each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall dis-

tribute the policy to all pupils enrolled in the school district and to their parents or guardians.

SECTION 13. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 14. 120.12 (26) (title) of the statutes is repealed.

SECTION 15. 120.12 (26) of the statutes is renumbered 118.07 (4) (a) 1. and amended to read:

118.07 (4) (a) 1. ~~Have~~ Each school board and the governing body of each private school shall have in effect a school safety plan for each public or private school in the school district within 3 years of the effective date of this paragraph [LRB inserts date].

SECTION 16. 938.396 (1) (c) 3. (intro.) of the statutes is amended to read:

938.396 (1) (c) 3. (intro.) A law enforcement agency, on its own initiative or on the request of the school district administrator of a public school district, the administrator of a private school, or the designee of the school district administrator or the private school administrator, may, subject to official agency policy, provide to the school district administrator, private school administrator, or designee, for use as provided in s. 118.127 ~~(2)~~, any information in its records relating to any of the following:

SECTION 17. 950.08 (2w) of the statutes is created to read:

950.08 (2w) INFORMATION TO BE PROVIDED BY DISTRICT ATTORNEYS TO SCHOOLS IN CRIMINAL CASES. If a criminal complaint is issued under s. 968.02 or if a petition for waiver is granted pursuant to s. 938.18, and the district attorney reasonably believes the person charged is a pupil enrolled in a school district, a private school, or a charter school established pursuant to 118.40 (2r), the district attorney shall make a reasonable attempt to notify the school board, private school governing body, or charter school governing body of the charges pending against the pupil. The district attorney shall also notify the school board, private school governing body, or charter school governing body of the final disposition of the charges.