



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Senate Bill 402 Senate Committee on Judiciary and Public Safety January 30th, 2018

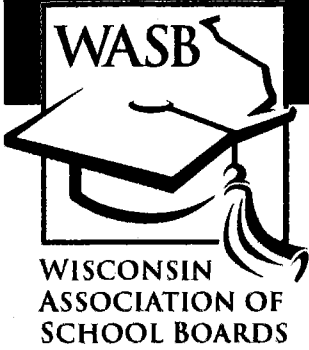
Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a public hearing on Senate Bill 402 which grants two additional exceptions to the general requirement that a school board must suspend and expel a pupil if the school board determines that pupil possessed a firearm at school.

This bill was done at the request of the Wisconsin Association of School Boards which has seen a number of cases where a student goes hunting in the morning, places the gun in their vehicle and goes directly to school. Under Wisconsin's Gun Free Schools law, if the student is found in possession of a gun on school grounds, the student must be suspended and the school must begin the expulsion process. This process can be very difficult for the family of the student and a drain on school resources when the student meant no harm.

This one size-fits-all approach doesn't take into account how a student can make an honest mistake. Giving a local school board an option to NOT start the expulsion process brings common sense back into the law and allows for local discretion. This bill mirrors federal law, as federal law grants an exception for a firearm that is lawfully stored inside a locked vehicle on school property.

Again, thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for hearing this bill and we would appreciate your support.

Tom Tiffany
Wisconsin State Senate
12th Senate District



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Phone: 608-257-2622 Fax: 608-257-8386

John H. Ashley, Executive Director

TO: Members, Senate Committee on Judiciary & Public Safety
FROM: Chris Kulow, WASB Government Relations Specialist
RE: Senate Bill 402, suspending/expelling a pupil for possession of a firearm at school
DATE: January 30, 2018

The Wisconsin Association of School Boards (WASB) supports Senate Bill 402 which provides local discretion to suspend or begin expulsion proceedings under specific circumstances in which a student brings a firearm onto school grounds. **This bill affects only school discipline decisions. It does not affect law enforcement decisions related to students who bring firearms onto school grounds.**

Under current law, if a student is found in possession of a firearm on school grounds, the student must be suspended, the school must initiate the expulsion process, and, unless the school board exercises case-by-case discretion in connection with an expulsion hearing, the student must be expelled for a period of at least one year.

In certain situations that have occurred in Wisconsin school districts, after an investigation by the school administration and law enforcement, it is determined that the possession of the firearm on school grounds was a mistake and that the health and safety of the pupil and/or others was not put at risk. In these cases, school administration, in accordance with the school board's adopted student code of conduct, would not have initiated the expulsion process.

While state law does provide school boards with the discretion not to expel the student, it requires the expulsion process to begin and an expulsion hearing to be held before the school board. School administrators from Wisconsin districts where this scenario has occurred have told the WASB and testified to the Assembly Education Committee that these expulsion proceedings can be very stressful and hard on the student and family and are also an unneeded drain on school district resources particularly when there is no intention to follow through on expulsion.

This bill proposes to amend the statutes that govern school discipline to ensure that the local school board **is not required to (but also is not prohibited from)** beginning the expulsion process in a situation involving a hunting firearm (rifle or shotgun) if either of two exceptions apply:

1. A firearm that is lawfully stored inside a locked vehicle on school property; or
2. The possession of a firearm for an activity approved and authorized by the school board if the school board adopts appropriate safeguards to ensure pupil safety. This exception will ensure that the statutes requiring mandatory disciplinary proceedings are not interpreted to apply to school-sponsored activities, such as hunter safety courses or high school trap-shooting leagues.

This bill mirrors the applicable federal law that otherwise mandates the initiation of disciplinary proceedings, as the federal law grants the above referenced exemptions. [[20 U.S. Code § 7961](#)]

This is a local control bill. Local school officials and law enforcement best know the pupil and the situation. Local school administrators can best make decisions related to suspension and expulsion rather than a blanket state law.

A couple of points to keep in mind:

- This bill in no way restricts a school board's authority to suspend or expel a student in any situation involving a firearm on school grounds. It only permits them to not suspend/expel in the specific situations outlined above.
- Any school district who wants to maintain a policy of automatic suspension/expulsion in all cases involving firearms on school grounds can still do so.
- Even when a mistake occurs, and the student is not expelled, the student still must go through an investigation by law enforcement and school administration. Based on school district testimony, these situations are not taken lightly, and the gravity of the mistake is impressed upon the student and family.



SCHOOL DISTRICT OF FLORENCE COUNTY
WE POSITIVELY AFFECT THE LIVES OF CHILDREN



January 30, 2018

School Board
 Don Dumke, President
 Jim Gehlhoff, Vice-President
 Ron Yadro, Clerk
 Jim Clurehull, Treasurer
 Tom Joutet, Member
 Shawn McLain, Member
 Linda Opsahl, Member

Members of the Senate Judiciary & Public Safety Committee:

Thank you for the opportunity to present written testimony today in support of Senate Bill 402.

I am writing on behalf of the School District of Florence County in favor of SB 402. SB 402 will remove the current law requirement that mandates that a board of education **must** expel a student for at least one calendar year unless a decision is otherwise made on a case-by-case basis. This is the only law in the entire state of Wisconsin that **requires** a board of education to immediately move to expulsion. If one takes a moment to think of the most grievous of crimes that can be committed, none requires a board to immediately move to expulsion other than this state law, mandating the expulsion of a student who legally possesses a firearm, even if that firearm is legally stored per the federal Gun Free Schools Act of 1994.

Northern Wisconsin promotes and sustains a culture of a hunting and firearms sporting heritage. I am here to testify in support of SB 402 so as to prevent what was before us three years ago. In short, we had a model student make a severe mistake in forgetting to remove his long gun from his personal vehicle after hunting the previous evening. This weapon was reported to the principal, and upon immediate action law enforcement was called, the weapon was confiscated and the student was suspended and parents were notified. Upon conclusion of the investigation, the student was in violation of board policy and nothing further. He made an honest mistake. Yet, we had no choice, but to immediately refer the student for expulsion. The student missed several days of instruction due to the scheduling of the hearing with proper notice, legal notification to parents (certified mail) along with establishing a quorum of the board of education on short notice.

Part of my role as district administrator, unfortunately, is participating in expulsion hearings. The hearings are very real, and often emotional due to the implications of what an expulsion from school can mean for a young individual, and how it may impact the rest of their life. The hearing we were forced to have was not necessary, and I can say was the most emotional of any of the numerous expulsion hearings I've participated in. There was a young man, and his family, concerned and apprehensive of what this could mean for his future. Imagine a model student, whatever that is to you...this is who we had before our board of education, and this is what current state law mandates us to do.

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District Administrator

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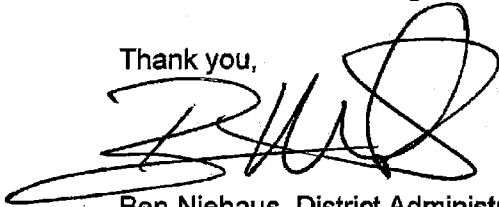
Financial Manager

Dawn Cote
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We will not change our local policy which prohibits students from having weapons on school grounds. We will suspend and notify law enforcement to initiate a joint investigation; this will occur each and every time. Upon conclusion of a joint investigation with law enforcement, and considering the facts of the situation among many other factors, moving to expulsion may be determined as an unnecessary allocation of administrative time and resources. If facts of the investigation show there was no intent of harm or public endangerment, surely an expulsion is nothing but an emotional drain for all involved, primarily the student and family.

We ask for your support to assure we can handle these matters locally; SB 402 will not compromise student safety, and does not mean a board is prohibited from moving to expulsion if they so choose. Any firearm that is not lawfully possessed is still an expellable offense, and is most likely to go before a board for expulsion. In addition, law enforcement will enforce both state and federal law for any situation where the weapon is not lawfully possessed, or due to the outcome of their investigation find concern of public safety.

Thank you,

A handwritten signature in black ink, appearing to read 'Ben Niehaus', with a large, stylized flourish at the end.

Ben Niehaus, District Administrator
School District of Florence County

TO: Members of the Senate Committee on Judiciary & Public Safety
FROM: Chris Metras, Superintendent, Beecher-Dunbar-Pembine School District
RE: Senate Bill 402
DATE: January 30, 2018

Thank you for the opportunity to submit testimony on behalf of our local school district in northeastern Wisconsin. My name is Chris Metras, and I am the District Administrator at Beecher-Dunbar-Pembine School District located in Pembine, WI.

Our culture in the Northwoods strongly promotes and enjoys hunting, fishing, trapping, bird hunting, and other outdoor sporting events. We have just introduced sporting clays in our district last year, and now have a trap shooting club as part of our school. In fact, our school finished 1st place in our trap league at a tournament last April and May against 3 other schools all much larger than us. Many students in our district not only enjoy these and other outdoor activities, but the hunting culture brings families and friends together. This clearly demonstrates how deeply engrained hunting can be in the lives of our students and community.

I would like to offer my support of Senate Bill 402 that is before you. SB 402 allows our school board local control in decision-making. First, this bill would not change our current board policy which forbids guns of any sort on school grounds. This includes firearms legally transported in a locked vehicle. If it were found out that any student were to have any firearm on school grounds, law enforcement would be immediately called followed by parents being contacted. We would submit to the local laws regarding possessing a firearm on school property.

Second, our district and school board would continue our current strong stance against firearms on school property. Our district is committed to the protection and safety of every student who comes under our care daily. Our commitment is to continue to offer a safe and healthy learning environment so each student can thrive to pursue his/her personal goals and aspirations.


Last, our school board would continue to support local law enforcement and abide by all laws in regards to firearm safety. We continue to offer professional development to all of our teachers every year on active shooter training and how to respond in an emergency situation. We do this in tandem with our local Marinette County police officers. We feel that these trainings help keep our staff sharp if ever faced with an emergency event whether the threat is domestic or foreign. Our board guarantees that these will remain in place.

What this bill does for our district is allow flexibility of our school board and administration to respond to a situation without the mandate of automatic expulsion hearings should the situation be addressed in a different manner. As you know, the expulsion hearing process is long and tedious. This is the unfortunate job of the superintendent of schools and school board officials. The cost, energy, and time expunged throughout this process by all parties involved is an emotional drain on the district. Rest assured, if expulsion is the punishment our school board feels is deserved for a student who purposely breaks school rules in regards to firearms, it will be

given. However, if there is mistake or misunderstanding where the health and safety of students were not put at risk, SB 402 gives our board and administration the opportunity to not initiate the expulsion process. It would devastate our community if we were required to expel a student for a minimum of 1 year merely to follow state law without local consideration being given to the student and family. After all, it is the local school, local community and family that knows the student best. Decisions of mandatory expulsion should be made at the local level, not the state level.

Thank you for your consideration of this Bill, and for giving suspension and expulsion authority back to local control.

Thank you,

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Chris Metras, District Administrator
Beecher-Dunbar-Pembine School District

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January 30, 2018

School Board

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Jim Gehlhoff, Vice-President
Ron Yadro, Clerk
Jim Churchill, Treasurer
Tom Jonet, Member
Shawn McLain, Member
Linda Opsahl, Member

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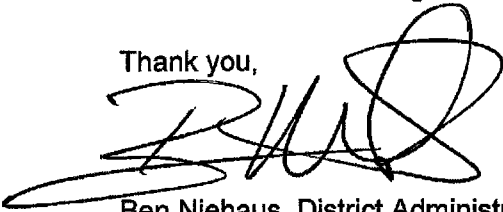
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