



## WISCONSIN LEGISLATIVE COUNCIL

### SCHOOL SAFETY

Room 225 Northwest  
State Capitol

November 12, 2008  
10:00 a.m. – 4:06 p.m.

[The following is a summary of the November 12, 2008 meeting of the Special Committee on School Safety. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

#### Call to Order and Roll Call

Chair Lehman called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. John Lehman, Chair; Rep. Don Pridemore, Vice Chair; Sen. Luther Olsen; Rep. Sody Pope-Roberts; and Public Members Vincent Flores, Betsy Georg, Tom Grogan, Terry Milfred, Gary Myrah, Robert Rosch, Luke Valitchka, Laura Vernon, and Luis Yudice.

COMMITTEE MEMBERS EXCUSED: Public Member Richard Anderson.

COUNCIL STAFF PRESENT: Russ Whitesel, Senior Staff Attorney; and Melissa Schmidt, Staff Attorney.

APPEARANCES: Mary Jean Erschen, Director, Center for School, Youth, and Citizen Preparedness.

## **Approval of the Minutes of the October 7, 2008 Meeting**

*Public Member Robert Rosch moved, seconded by Representative Don Pridemore to approve the minutes of the October 7, 2008 meeting of the Special Committee, with a correction to page 5. The last sentence in the first paragraph should state that "Wisconsin schools will receive less than \$4 million in funding." The motion passed on a voice vote.*

### **Chairperson's Remarks**

Chair Lehman explained at the beginning of this meeting that the committee would have one more presentation for the purposes of gathering information and spend the rest of the meeting determining the specific proposals the committee wanted to pursue. He thanked committee members for their dedication to attending the meetings.

### **Description of Materials Distributed**

Russ Whitesel, Legislative Council Senior Staff Attorney, explained that Memo Nos. 3, 4, 5, and 6 were prepared in response to areas the committee expressed interest in pursuing. He said that the Memos presented the major issues from each area, presented basic discussion points, and listed options for committee action. He stressed that they were designed to prompt committee discussions. He also stressed that the options were not intended to be comprehensive, or serve as the only options available for committee action.

Mr. Whitesel briefly described Memo No. 2 and explained that it was prepared concert with the Wisconsin Department of Justice. He stated that options are based on Attorney General J.B. Van Hollen's recommendations from his September 9, 2008 testimony to the committee and subsequent staff discussions. He directed the committee's attention to the various enclosures, including the Attorney General's memorandum augmenting his testimony and the Wisconsin Association of School Boards's (WASB) responses to the Attorney General's recommendations.

Mr. Whitesel explained that Memo No. 4 provided an overview of options the committee could pursue regarding school safety plans. He said that Memo No. 5 outlined the Department of Public Instruction's (DPI) school safety grant proposal. He indicated that there were many details of this proposal that the committee could consider for recommendations. Mr. Whitesel indicated that Memo No. 6 provided information on options it related to revenue caps.

The last item Mr. Whitesel previewed was the bill draft relating to school policies on school bullying. He said that it was in the Legislative Reference Bureau's (LRB) bill draft form and reminded the committee that the draft was explained at the last Special Committee meeting, summarized in Memo No. 2.

## **Presentation by Mary Jean Erschen, Director, Center for School, Youth, and Citizen Preparedness**

[Note: Testimony and documents referred to by the speakers are posted on the committee's Internet site.]

Ms. Erschen provided a historical overview of the Center for School, Youth, and Citizen Preparedness (Center). She described how the Center has been organized under various public and private entities as outlined in her handout. She testified that as of July 2008, the Center is now a 501 (c) (3) public charity organization.

Ms. Erschen described the Center's various initiatives, including the School Crisis Preparedness Conference series. She said school administrators, school board members, members of school crisis response teams, and local emergency responders attend the conferences. Ms. Erschen explained that the conferences are funded by both a registration fee and the Office of Justice Assistance. The registration fee is \$70 per person or \$50 per person for groups of five or more, with a total cost of \$7,735 per 100 attendees for each conference. Ms. Erschen reported that in 2008, there were 434 conference attendees. In response to questions, she confirmed that this represented roughly 25% of Wisconsin's school districts.

Ms. Erschen described how Wisconsin could develop a statewide school safety resource center. To do so, she estimated would cost between \$100,000 and \$150,000. She indicated state designated centers could receive funding from the U.S. Department of Education's Safe and Drug Free Schools program. She briefly described Colorado's state resource center but said that each existing state center is organized differently. In response to questions, she said Colorado and Minnesota designated their state centers through state contracts.

### **Committee Discussion of Materials Distributed**

Mr. Whitesel reviewed Memo No. 3 and the enclosures to that Memo, including a memorandum from Kevin St. John, Special Assistant to the Attorney General for Public Affairs and Policy and a memorandum from WASB.

First, as described in Memo No. 3, Section A, Mr. Whitesel explained that the Attorney General recommended repealing s. 118.128, Stats., as means of resolving conflicts with s. 118.125 (2) (d), Stats., when information of pupil harm may be shared. In response to discussions, Mr. Whitesel confirmed that this draft would leave discretion regarding when to disseminate information with the local school district.

There was consensus to draft a proposal repealing s. 118.128, Stats.

Second, as described in Memo No. 3, Section B, Mr. Whitesel stated that the Attorney General proposed changes to s. 118.125 (n), Stats., to simplify mechanisms for sharing pupil records with law enforcement. Mr. Whitesel reviewed the three concerns WASB raised. He articulated that the main issue is when there should be mandatory disclosure of pupil records and under what circumstances. In response to questions, Mr. Whitesel stated that while the changes listed in the Memo do not address

social services agencies, other sections of s. 118.125 (n), Stats., allow them to obtain pupil records through interagency agreements with school districts.

Concern was raised that under this proposal police officers could potentially obtain pupil records for purposes outside of investigations.

There was consensus to draft a proposal amending the statutes as proposed by the Attorney General, but also clarify that disclosure would apply only to a specific, named student or group of students, and that requested information would need to be pertinent to an investigation.

Third, regarding Section C, Mr. Whitesel explained the Attorney General's recommendation for adding a provision in s. 118.125 (d), Stats., allowing school boards to provide information to police school liaison officers. Mr. Whitesel reported that WASB supported this change. In response to questions, Mr. Whitesel confirmed that this change would give school liaison officers the same access to pupil records as teachers without defining the term "school liaison officer."

There was consensus to draft a proposal amending s. 118.125 (d), Stats., adding school liaison officers to the list of people who may have access to pupil records and requiring school boards to designate the specific police school liaison officer, with the caveat that the liaisons must be assigned to the school by the police department.

Fourth, regarding Section D, Mr. Whitesel explained that the Attorney General's recommendation to expand directory data was to conform Wisconsin law to federal law under the Family Education Rights and Privacy Act (FERPA). He explained the change to s. 118.125 (1) (b), Stats., suggested by the Attorney General was a policy statement designed to give more discretion to school districts for disclosing more pupil information in the form of directory data.

Concerns were raised regarding disclosure of date and place of birth as well as other information. In discussion, the question was raised as to whether this information is designed for assisting military recruiters. The concern over disclosing telephone numbers was also raised.

Further discussion was postponed and there was no consensus before the end of the meeting as to recommending any drafting language regarding directory data.

Fifth, regarding Section E, Mr. Whitesel explained the Attorney General's recommendation to require mandatory reporting of criminal activity by school districts and school district employees. Mr. Whitesel explained the Attorney General provided a series of questions and concerns for the committee to consider, in lieu of proposed language. Mr. Whitesel also described WASB's concerns.

In discussions regarding this recommendation, committee members raised the question as to whether this would effectuate any change in schools and the difficulty of crafting language to address the issues raised.

There was consensus to not make any changes to current law regarding mandatory reporting of criminal activity.

Sixth, regarding Section F, Mr. Whitesel explained that juvenile courts are required to notify schools when a delinquency petition is filed where the act would have been a felony if committed by an

adult. Mr. Whitesel explained that this is not required when the student is tried as an adult. He said that the Attorney General wanted to expand court reporting to include all students, regardless of which court adjudicated the student.

There was consensus for Legislative Council staff to work with the Department of Justice to draft language effectuating the Attorney General's recommendation making notification the responsibility of the district attorney's office.

Seventh, regarding Section G, Mr. Whitesel explained that the Attorney General recommended that state law be amended to remove the mandatory requirement that schools notify parents and pupils when they disclose pupil information to law enforcement agencies. Mr. Whitesel reported that this could be done by repealing s. 118.127 (1), Stats. In response to questions, Mr. Whitesel indicated that by repealing the statute, schools would still have the discretion to notify parents and pupils.

There was consensus to repeal s. 118.127 (1), Stats.

Eighth, regarding Section H, Mr. Whitesel described the Attorney General's recommendation to allow schools to adopt policies regarding sharing of pupil records. In response to questions, Sheri Krause from WASB shared that s. 118.125 (2), Stats., should be amended to require the adoption of policies instead of regulations, as school boards make policies.

There was consensus to amend s. 118.125, Stats., by allowing school boards to adopt policies regarding the sharing of pupil records, but retaining the mandatory language regarding confidentiality policies.

#### ***Memo No. 4***

Melissa Schmidt, Staff Attorney, described Memo No. 4, indicating that the options came from discussions at the Special Committee's September 9th meeting and the U.S. Department of Education's Emergency Response and Crisis Management (ERCM) Technical Assistance (TA) Center. She explained that s. 120.12 (26), Stats., requires that school boards have a school safety plan, without any specific details.

Ms. Schmidt first described Section A, regarding a school district's review of school safety plans. She said that the ERCM TA Center recommends school districts continually assess safety plans. The committee discussed the appropriate length of time between each review. Concerns were raised that the burden of yearly reviews would be too heavy for school districts.

There was consensus to create a statutory provision that school safety plans be reviewed at least every three years, and that emergency management professionals and community partners should be included in the review.

Second, Ms. Schmidt articulated the ERCM TA Center's recommendation that school employees receive safety plan training, as specified in Section B. She listed the various components the ERCM TA Center proposed. There was the suggestion that if the statutes require safety plans, that the statutes should also require training. There was concern, however, that schools also have limited time and that this may be a difficult burden on schools.

There was consensus to create a statutory provision that school districts provide training based upon the prioritized needs, risks, and vulnerabilities of the school district.

Third, regarding Section C, Ms. Schmidt described Wisconsin statutes regarding mandatory fire, tornado, or other hazard drills. She reported that the statutes could be amended to define “other hazards” to include school safety plan drills. Vincent Flores, Public Member, explained that Milwaukee incorporated lockdowns into its tornado drills and that Milwaukee schools practice this at least once a semester. There was concern among committee members that an added drill requirement may place too much of a burden on schools and detract from instructional time. The comment that drills create a greater sense of security was also made.

There was consensus to create a statutory provision that school districts practice school safety plan procedures twice a year.

Fourth, regarding Section D, Ms. Schmidt presented categories that the ERCM TA Center recommends should be included in school safety plans. She referred to Memo No. 4’s enclosure, which expands upon these categories.

Tom Grogan, Public Member, indicated he would prefer to not include specific requirements with regard to the plans, preferring to leave those to an entity such as a statewide center, which could provide training on school safety plans.

There was consensus to create a statutory provision specifying that school safety plans have general guidelines including: (1) prevention and mitigation; (2) preparedness; (3) response; and (4) recovery.

***Memo No. 5***

Regarding DPI’s school safety grant proposal, Mr. Whitesel explained that the committee had various options if it wanted to propose either some or all of the grant. During the review on the grant proposal the committee discussed the possibility of creating or designating a statewide safety center. Mr. Grogan suggested that the scope of such a center could combine and expand upon the efforts of the Center for School, Youth, and Citizen Preparedness and the Fox Valley Technical College’s Wisconsin Crime Prevention Resource Center. Mr. Grogan suggested the committee proceed cautiously with regard to placing the functions of a statewide center under DPI because the focus would be too narrow.

There was discussion that supported DPI’s proposal, however, there was concern, that given the state’s budget crisis, if the committee proposal included a \$5 million grant proposal, its other proposals may not be given support.

There was consensus to not make any recommendation regarding DPI’s school safety grant proposal, allowing DPI to independently pursue its proposal.

***Memo No. 6***

Mr. Whitesel provided a brief overview of Wisconsin law regarding school revenue caps. He described the Governor’s 2007-09 Biennial Budget proposal, the Joint Finance Committee’s proposal, and the state Senate’s proposal from the 2007-09 Biennium, as detailed in the Memo. He also pointed

out DPI's 2009-10 Biennial Budget request was enclosed in Memo No. 6. Concern was raised that because of the school aid equalization formula, a proposal allowing spending for school safety outside of the revenue cap would result in needing to increase state school aid the following year. The committee discussed in some detail differences between the Governor's and the state Senate's 2007-09 biennium proposal.

There was consensus to draft a proposal comparable to the state Senate's proposal, with the caveat that the effective dates would need to be changed.

***LRB-0554/P1, relating to school bullying***

Mr. Whitesel reported to the committee that the school bullying legislation distributed to the committee was converted into LRB bill draft form, but contained no substantive changes from the draft disseminated at the October 7th meeting. He noted that this draft would apply to all school districts in the state, including Milwaukee.

There was consensus to include this bill draft in the Special Committee's report to the Joint Legislative Council. Staff was also asked to review the timing of the "Bullying Awareness Day."

**Plans for Future Meetings**

The committee asked staff to prepare bill drafts for each topic the committee requested. These drafts will be distributed prior to the December 10, 2008 meeting.

**Adjournment**

The meeting was adjourned at 4:06 p.m.

MS:ty