

# State of Wisconsin



2017 Assembly Bill 843

Date of enactment: **March 26, 2018**

Date of publication\*: **March 27, 2018**

## 2017 WISCONSIN ACT 143

AN ACT *to repeal* 115.33 (4), 118.035 (5), 118.07 (4) (a) 2., 118.38 (4), 118.51 (4) (a) 4., 118.51 (6), 118.51 (7) (a) and 121.91 (5) (b); *to renumber* 118.51 (7) (b) and 121.91 (5) (a); *to renumber and amend* 118.07 (4) (a) 1.; *to amend* 51.17 (2), 115.28 (43), 118.07 (4) (b), 118.07 (4) (d), 118.07 (5), 118.126 (1) (c), 118.126 (2), 118.51 (3) (a) 4., 118.51 (9), 118.57 (2), 119.04 (1), 904.085 (4) (d), 905.045 (4) and 905.06 (4); and *to create* 15.253 (3), 20.455 (2) (f), 20.455 (2) (im), 20.923 (4) (c) 6., 118.07 (4) (bm) 1., 118.07 (4) (bm) 3., 118.07 (4) (cf), 118.07 (4) (cm), 118.07 (4) (cp), 118.07 (4) (e), 146.816 (2) (b) 5., 165.28, 165.88, 175.32, 230.08 (2) (wc) and 905.04 (4) (em) of the statutes; **relating to:** school safety; open enrollment; repealing outdated or expired reporting requirements; tuberculosis screening; providing an exemption from rule-making procedures; providing a criminal penalty; and making appropriations.

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

**SECTION 1.** 15.253 (3) of the statutes is created to read:

15.253 (3) OFFICE OF SCHOOL SAFETY. There is created an office of school safety. The director of the office shall be appointed by the attorney general.

**SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

|                                      |       | 2017-18     | 2018-19 |
|--------------------------------------|-------|-------------|---------|
| <b>20.455 Justice, department of</b> |       |             |         |
| (2) LAW ENFORCEMENT SERVICES         |       |             |         |
| (f) School safety                    | GPR C | 100,000,000 | -0-     |

**SECTION 3.** 20.455 (2) (f) of the statutes is created to read:

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

**SECTION 4.** 20.455 (2) (im) of the statutes is created to read:

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

\* Section 991.11, WISCONSIN STATUTES: 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."

**SECTION 5.** 20.923 (4) (c) 6. of the statutes is created to read:

20.923 (4) (c) 6. Justice, department of: director of the office of school safety.

**SECTION 6.** 51.17 (2) of the statutes, as created by 2017 Wisconsin Act 140, is amended to read:

51.17 (2) AUTHORIZATION. Any health care provider, as permitted by s. 146.816 (2) (b) 4. ~~or 5.~~, and any law enforcement officer may make a disclosure of information evidencing that an individual poses a substantial probability of serious bodily harm to any other person in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

**SECTION 6j.** 115.28 (43) of the statutes is amended to read:

115.28 (43) SCHOOL SAFETY FUNDING. With the department of justice, seek and apply for federal funds relating to school safety and reducing violence and disruption in schools, including funds for alternative schools or programs. ~~Each department shall make a report by January 1, 2001, and January 1, 2003, of its progress in applying for and obtaining funds under this subsection. The report shall be provided to the legislature in the manner provided under s. 13.172 (2) to the cochairpersons of the joint committee on finance and to the governor.~~

**SECTION 6p.** 115.33 (4) of the statutes is repealed.

**SECTION 6r.** 118.035 (5) of the statutes is repealed.

**SECTION 7.** 118.07 (4) (a) 1. of the statutes is renumbered 118.07 (4) (a) and amended to read:

118.07 (4) (a) 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 May 27, 2010.~~

**SECTION 8.** 118.07 (4) (a) 2. of the statutes is repealed.

**SECTION 9.** 118.07 (4) (b) of the statutes is amended 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 the department of justice, local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. Before creating or updating a school safety plan, a school board or governing body of a private school shall, in consultation with a local law enforcement agency, conduct an on-site safety assessment of each school building, site, and facility that is regularly occupied by pupils. The on-site assessment shall include playgrounds, athletic facilities or fields, and any other property that is occupied by pupils on a regular basis.

(bm) A school safety plan shall include ~~general~~ all of the following:

2. General guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. ~~The plan shall also specify the~~  
4. The process for reviewing the methods for conducting drills required to comply with the plan.

**SECTION 10.** 118.07 (4) (bm) 1. of the statutes is created to read:

118.07 (4) (bm) 1. An individualized safety plan for each school building and facility that is regularly occupied by pupils. The individualized safety plan shall include any real property related to the school building or facility that is regularly occupied by pupils.

**SECTION 11.** 118.07 (4) (bm) 3. of the statutes is created to read:

118.07 (4) (bm) 3. Guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student reunification, and threats to non-classroom events, including recess, concerts and other performances, athletic events, and any other extracurricular activity or event.

**SECTION 12.** 118.07 (4) (cf) of the statutes is created to read:

118.07 (4) (cf) Upon the creation of a school safety plan under par. (a) and upon each review of a school safety plan under par. (d), a school board shall submit a copy of the most recent blueprints of each school building and facility in the school district to each local law enforcement agency with jurisdiction over any portion of the school district and to the office of school safety. Upon the creation of a school safety plan under par. (a) and upon each review of a safety plan under par. (d), a governing body of a private school shall submit a copy of the most recent blueprints of the private school and all of its facilities to each local law enforcement agency with jurisdiction over the private school and to the office of school safety.

**SECTION 13.** 118.07 (4) (cm) of the statutes is created to read:

118.07 (4) (cm) Neither a school board nor a governing body of a private school may include in a school safety plan any of the following:

1. A requirement for an employee to contact a school administrator, school official, or any other person before calling the telephone number "911".

2. A prohibition against an employee reporting school violence or a threat of school violence directly to a law enforcement agency.

3. A prohibition against an employee reporting a suspicious individual or activity directly to a law enforcement agency.

**SECTION 14.** 118.07 (4) (cp) of the statutes is created to read:

118.07 (4) (cp) Each school board and the governing body of each private school shall ensure that, at each school building regularly occupied by pupils, pupils are

drilled, at least annually, in the proper response to a school violence event in accordance with the school safety plan in effect for that school building. The person having direct charge of the school building at which a drill is held under this paragraph shall submit a brief written evaluation of the drill to the school board or governing body of the private school within 30 days of holding the drill. The school board or governing body of the private school shall review all written evaluation submitted under this paragraph. A drill under this paragraph may be substituted for a school safety drill required under sub. (2) (a).

**SECTION 15.** 118.07 (4) (d) of the statutes is amended to read:

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

**SECTION 16.** 118.07 (4) (e) of the statutes is created to read:

118.07 (4) (e) Before January 1, 2019, and before each January 1 thereafter, each school board and the governing body of each private school shall file a copy of its school safety plan with the office of school safety. At the time a school board or governing body files a school safety plan, the school board or governing body shall also submit all of the following to the office of school safety:

1. The date of the annual drill or drills under par. (cp) held during the previous year.
2. Certification that a written evaluation of the drill or drills under par. (cp) was reviewed by the school board or governing body under par. (cp).
3. The date of the most recent school training on school safety required under par. (c) and the number of attendees.
4. The most recent date on which the school board or governing body reviewed and approved the school safety plan.
5. The most recent date on which the school board or governing body consulted with a local law enforcement agency to conduct on-site safety assessments required under par. (b).

**SECTION 17.** 118.07 (5) of the statutes is amended to read:

118.07 (5) Each school board shall require every employee of the school district governed by the school board to receive training provided by the department in identifying children who have been abused or neglected and, in the laws and procedures under s. 48.981 governing the reporting of suspected or threatened child abuse and neglect, and in the laws under s. 175.32 governing the reporting of a threat of violence. A school district employee shall receive that training within the first 6 months after commencing employment with the school district and at least once every 5 years after that initial training.

**SECTION 18.** 118.126 (1) (c) of the statutes is amended to read:

118.126 (1) (c) The information is required to be reported under s. 48.981 or 175.32.

**SECTION 19.** 118.126 (2) of the statutes is amended to read:

118.126 (2) A school psychologist, counselor, social worker, or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses or fails to disclose information under sub. (1) is immune from civil liability for such acts or omissions. This subsection does not apply to information required to be reported under s. 48.981 or 175.32.

**SECTION 19f.** 118.38 (4) of the statutes is repealed.

**SECTION 19h.** 118.51 (3) (a) 4. of the statutes is amended to read:

118.51 (3) (a) 4. On or before the 2nd Friday following the first Monday in June following receipt of a copy of the application, if a resident school board denies a pupil's enrollment in a nonresident school district under sub. (6) or (7), the resident school board shall notify the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the denial.

**SECTION 19j.** 118.51 (4) (a) 4. of the statutes is repealed.

**SECTION 19k.** 118.51 (6) of the statutes is repealed.

**SECTION 19L.** 118.51 (7) (a) of the statutes is repealed.

**SECTION 19m.** 118.51 (7) (b) of the statutes is renumbered 118.51 (7).

**SECTION 19n.** 118.51 (9) of the statutes, as affected by **2017 Wisconsin Act 59**, is amended to read:

118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d), ~~(6), or (7),~~ or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) (b), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

**SECTION 19p.** 118.57 (2) of the statutes is amended to read:

118.57 (2) The school board shall include in the notice under sub. (1) the most recent performance category assigned under s. 115.385 ~~(2) (1) (b)~~ to each school within the school district boundaries, including charter

schools established under s. 118.40 (2r) or (2x) and private schools participating in a parental choice program under s. 118.60 or 119.23. The notice published by the school board shall inform parents that the full school and school district accountability report is available on the school board's Internet site.

**SECTION 19q.** 119.04 (1) of the statutes, as affected by 2017 Wisconsin Act 59, 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, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 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, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), (38), and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

**SECTION 19r.** 121.91 (5) (a) of the statutes is renumbered 121.91 (5).

**SECTION 19s.** 121.91 (5) (b) of the statutes is repealed.

**SECTION 20.** 146.816 (2) (b) 5. of the statutes is created to read:

146.816 (2) (b) 5. For purposes of disclosing under s. 175.32 any threat made by a patient regarding violence in or targeted at a school in a good faith effort to prevent or lessen a serious and imminent threat to the health or safety of a student or school employee or the public.

**SECTION 21.** 165.28 of the statutes is created to read:

**165.28 Office of school safety.** The office of school safety shall do all of the following:

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

(2) Coordinate with schools under s. 118.07 (4) (cf) and the department of administration to compile blueprints and geographic information system maps for all schools. The office shall keep all blueprints and maps confidential unless a law enforcement agency requests access to the blueprints or maps.

(3) Offer, or contract with another party to offer, training to school staff on school safety. Training subjects may include trauma informed care and how adverse childhood experiences have an impact on a child's development and increase needs for counseling or support. If a school receives under s. 165.88 (2) (b) a grant for the training under this subsection, the office may charge a fee for the training.

**SECTION 22.** 165.88 of the statutes is created to read:

**165.88 Grants for school safety.** (1) DEFINITIONS.

In this section:

(a) "Independent charter school" means a charter school established under s. 118.40 (2r) or (2x).

(b) "Private school" has the meaning given in s. 115.001 (3r).

(c) "School board" has the meaning given in s. 115.001 (7).

(d) "Tribal school" has the meaning given in s. 115.001 (15m).

(2) GRANTS FOR SCHOOL SAFETY. (a) From the appropriation under s. 20.455 (2) (f), the department of justice shall award grants for expenditures related to improving school safety. The department shall accept applications for a grant under this subsection from school boards, operators of independent charter schools, governing bodies of private schools, and tribal schools.

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

(3) APPLICATION REQUIREMENTS. An application submitted for a grant under sub. (2) shall include all of the following:

(a) A school safety plan.

(b) Blueprints of each school building and facility or, if blueprints were already submitted, a certification that the blueprints submitted are current.

(c) A proposed plan of expenditure of the grant moneys.

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

**SECTION 23.** 175.32 of the statutes is created to read:

**175.32 School violence.** (1) In this section:

(a) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b) and includes a tribal law enforcement agency, as defined in s. 165.83 (1) (e).

(b) “Member of the clergy” has the meaning given in s. 48.981 (1) (cx).

(c) “School” means a public, private, or tribal elementary or secondary school.

(2) (a) Any person listed under s. 48.981 (2) (a) shall report as provided in sub. (3) if the person believes in good faith, based on a threat made by an individual seen in the course of professional duties regarding violence in or targeted at a school, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(b) A court-appointed special advocate under s. 48.236 shall report as provided under sub. (3) if he or she believes in good faith, based on a threat made by a child seen in the course of activities under s. 48.236 (3) regarding violence in or targeted at a school, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(c) 1. Except as provided in subd. 2., a member of the clergy shall report as provided in sub. (3) if the member of the clergy believes in good faith, based on a threat of violence in or targeted at a school made by an individual seen in the course of professional duties, that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

2. A member of the clergy is not required to report a threat of violence that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.

(3) A person required to report under sub. (2) shall immediately inform, by telephone or personally, a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat to the health or safety of a student or school employee or the public.

(4) Any person or institution participating in good faith in the making of a report under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. Any health care provider, as defined in s. 146.81 (1), who believes in good faith and in his or her professional judgment that a report is not required under this section shall have immunity from any civil liability or criminal penalty for not making such a report. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed.

(5) Whoever intentionally violates this section by failure to report as required may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

**SECTION 24.** 230.08 (2) (wc) of the statutes is created to read:

230.08 (2) (wc) The director of the office of school safety in the department of justice.

**SECTION 25.** 904.085 (4) (d) of the statutes is amended to read:

904.085 (4) (d) A mediator reporting child or unborn child abuse under s. 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or reporting nonidentifying information for statistical, research, or educational purposes does not violate this section.

**SECTION 26.** 905.04 (4) (em) of the statutes is created to read:

905.04 (4) (em) *School violence.* There is no privilege for information contained in a report of a threat of violence in or targeted at a school that is provided under s. 175.32 (3).

**SECTION 27.** 905.045 (4) of the statutes is amended to read:

905.045 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child abuse that a victim advocate is required to make under s. 48.981 or concerning a threat of violence in or targeted at a school that a victim advocate is required to make under s. 175.32.

**SECTION 28.** 905.06 (4) of the statutes is amended to read:

905.06 (4) EXCEPTIONS. There is no privilege under this section concerning observations or information that a member of the clergy, as defined in s. 48.981 (1) (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2) (bm) or as a threat of violence in or targeted at a school under s. 175.32.

**SECTION 29. Nonstatutory provisions.**

(1) OFFICE OF SCHOOL SAFETY; POSITION AUTHORIZATION. There is authorized for the office of school safety in the department of justice 1.0 FTE GPR director position.

(2) SCHOOL BLUEPRINTS; INITIAL SUBMISSIONS.

(a) By no later than July 1, 2018, a school board shall provide blueprints of each school building and facility in the school district to each local law enforcement agency with jurisdiction over any portion of the school district and to the office of school safety in the department of justice.

(b) By no later than July 1, 2018, the governing body of a private school shall provide blueprints of the private school buildings and facilities to each local law enforcement agency with jurisdiction over the private school and to the office of school safety in the department of justice.

(c) By no later than July 1, 2018, the operator of a charter school established under section 118.40 (2r) or

(2x) of the statutes shall provide blueprints of the charter school buildings and facilities to each local law enforce-

ment agency with jurisdiction over the charter school and to the office of school safety in the department of justice.

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