



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2017 Assembly Bill 843	Senate Substitute Amendment 2
<i>Memo published:</i> March 21, 2018	<i>Contact:</i> Katie Bender-Olson, Senior Staff Attorney

2017 ASSEMBLY BILL 843

Assembly Bill 843 is a Law Revision Committee bill suggested as remedial legislation by the Department of Public Instruction (DPI). The bill repeals outdated or expired DPI reporting requirements and an expired provision relating to open enrollment of students into other school districts. The bill also repeals authority for a school board eligible for special transfer aid under subch. VI of ch. 121, Stats. (commonly known as "Chapter 220 Aid"), to reject an open enrollment application if the transfer would increase racial imbalance in the district; a provision deemed unconstitutional in a 2007 Wisconsin Attorney General opinion.

Finally, the bill adds a missing statutory cross-reference to give effect to a change made by 2017 Wisconsin Act 107 to require all school districts to condition employment of school district employees on a physical exam, including a tuberculosis screening questionnaire, by eliminating an exception that previously existed for Milwaukee Public Schools.

SENATE SUBSTITUTE AMENDMENT 2

Senate Substitute Amendment 2 ("the substitute amendment") incorporates all provisions from Assembly Bill 843, and also creates an Office of School Safety, establishes school safety grants, makes changes related to school safety plans, and requires mandatory reporting of threats of school violence.

Office of School Safety

The substitute amendment creates an Office of School Safety within the Department of Justice (DOJ), and creates a 1.0 FTE director position appointed by the Attorney General. The substitute amendment tasks the Office of School Safety with: (1) creating model practices for school safety, in conjunction with DPI and after consultation with the Wisconsin School Safety

Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center; (2) compiling school blueprints and geographic information system (GIS) maps, in coordination with schools and the Department of Administration; and (3) offering training to school staff on school safety, which may be provided either by DOJ or by a contracted party.

The school safety training offered by DOJ may include information regarding trauma informed care and how adverse childhood experiences impact a child's development and increase needs for counseling and support. DOJ may charge a school for the safety training, if the school receives school safety grant funds (addressed in the following section) for the training.

The substitute amendment also requires schools to submit specified information to the Office of School Safety. Every school board, governing body of a private school, and operator of a charter school must provide blueprints of each school building and facility to the Office of School Safety, and to local law enforcement agencies, by July 1, 2018. Every school board and governing body of a private school must also file by January 1, 2019, and before each January 1 thereafter, the following items with the Office of School Safety:

- A copy of its school safety plan.
- The date of the required annual safety drill held during the previous year.
- Certification that the school board or governing body reviewed a required written evaluation of the drills.
- The date of the most recent school training on school safety and the number of attendees.
- The most recent date on which the school board or governing body consulted with a local law enforcement agency to conduct required, on-site safety assessments.

School Safety Grants

The substitute amendment creates school safety grants and appropriates **\$100 million** in GPR funding for this purpose under a continuing appropriation. The substitute amendment requires DOJ to award the grants for expenditures related to improving school safety. DOJ must accept grant applications from public schools, private schools, independent charter schools, and tribal schools. DOJ must also develop a plan for awarding the grants, in consultation with DPI, and must include a description of what types of expenditures are eligible to be funded by grant proceeds. This plan is exempt from rule-making requirements.

The substitute amendment specifies certain eligible expenditures, but does not otherwise limit DOJ authority to determine how grants are awarded or what expenditures are eligible. Eligible expenditures explicitly include expenditures for compliance with DOJ model practices for school safety; expenditures for DOJ school safety training; expenditures for safety-related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with requirements to submit school blueprints to law enforcement and the Office of School Safety.

**State of Wisconsin
Department of Justice Office of School Safety
School Safety and Security Grant Letter of Interest**

Contact Information _____

Name: Joe Balles

Title: Safety and Security Coordinator

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Phone: 608-220-2707

Project Description _____

The Madison Metropolitan School District (MMSD) educates 27,000 children, nearly 3% of Wisconsin's public school students. MMSD's School Safety and Security Team (see Appendix A for roster) understands and values the many components and layers of school safety and security including, but not limited to, infrastructure and space use informed by multiple factors and stakeholders, mental health and behavioral wrap around supports, relationship building, training and support for staff, comprehensive policy and procedure review to develop current, practical, actionable and accountable policies and procedures, and establishing and using a comprehensive system to track outcomes, evaluate progress, and inform improvement. Our first safety and security project will focus on keyless entry at the district's 50 schools and building new or enhancing existing welcome centers at the district's four high schools.

MMSD recently began collaborating with the Wisconsin School Safety Coordinators Association (WSSCA), a non-profit organization that includes administrators, teachers, building and grounds personnel, health and nursing personnel, safety coordinators, security coordinators, school resource officers, school districts, and private/public businesses through district, corporate and student memberships. WSSCA's thirteen member board, executive director, and associate executive director carry out their mission to improve security, safety, and health in Wisconsin schools. This group is further guided by several technical advisors with professional backgrounds in a variety of school safety and security related fields. MMSD's first step with WSSCA will be a comprehensive assessment of safety and security at MMSD's four high schools (East, LaFollette, Memorial, West) to be completed by approximately May 31, 2018. WSSCA's assessment will provide MMSD with information on multiple aspects of security including culture and climate, physical structures, processes and procedures, and staff and student actions that impact security. The Safety and Security Team will review the assessment outcomes and provide an informational presentation to the Board of Education mid-summer. After high school assessments are completed, the rest of MMSD's 50 schools will also participate in a safety assessment.

While the WSSCA assessments are about to begin at the high schools, MMSD has already started working with an architecture firm to document current building conditions and develop a plan to modify, enhance, or implement systems to meet MMSD's safety and security goals. From a structural standpoint, MMSD will focus on access control via keyless entry, welcome centers, a security camera system, window films, compartmentalization, and lighting. A brief description of each focus area is provided below.

Access Control

MMSD will inventory the following potential access or entry points in all schools: main entrance, security vestibules, custodial area, kitchen, exterior corridor doors, and classroom doors. Following the inventory, MMSD staff, expert consultants, and industry experts in school access control will review MMSD's assets and make tiered recommendations regarding hardware and door upgrades around the district (e.g., brass key options, proximity readers, pin pads, and power over ethernet (POE) technologies for interior door security).

Welcome Centers

A security vestibule (referred to at MMSD as a welcome center) is a building entrance feature, comprised of walls and doors, configured to route foot traffic through the school office or a welcome center reception area prior to entering the building. MMSD and expert consultants will study the need for new welcome centers, review each existing welcome center, and recommend improvements.

Security Camera System

Each campus has a decentralized camera system with video storage. MMSD will explore replacing analog cameras with network IP cameras as well as the pros and cons of establishing a centralized camera system with video storage connected to the decentralized camera systems and creating a centralized video control center. This center would serve as the hub for all video, creating a more technically stable environment at each site. It could also serve as an Incident Command Center in the event of a major safety incident with the potential to enhance collaboration with law enforcement.

Window Film

Security films are polyester or Polyethylene Terephthalate (PET) films that can be applied after manufacture or installation of windows as a retrofit product. Security strength window film is designed to be thin, flexible, and lightweight. The film significantly reduces the threat of injuries due to flying glass during severe weather and aids in deterring and delaying intruders. MMSD will add film to welcome center glass and perimeter doors to harden the shelter-in-place areas.

Compartmentalization

Each MMSD building has a unique layout and configuration. MMSD and expert consultants will evaluate the potential of segmenting buildings into compartments in which each building's security doors connect to the building's emergency access control system.

Campus Lighting

Each school campus will be assessed for adequacy of internal and external illumination levels (e.g., egress path, exit/entry, gathering areas, playground, parking lots, green space). Lighting will be upgraded or added as needed.

Law enforcement agency review and approval _____

The City of Madison Police Department (MPD) will review and approve MMSD's proposed project. Per City of Madison Police Chief Mike Koval, MMSD's primary contacts at MPD are:

1. MPD Community Outreach Captain John Patterson for overall Department of Justice (DOJ) School Safety Grant related project components and day-to-day operational issues;
2. MPD Captain Jim Wheeler for police related emergency preparedness issues.

MMSD will work with Madison Fire Department Fire Marshal and Emergency Operations Coordinator Edwin Ruckriegel on fire safety emergency preparedness issues.

City of Monona Police Chief Walter Ostrenga will review and approve any DOJ school safety project components for Nuestro Mundo Community School because it is located in Monona.

Approximate project dollar amount _____

MMSD could implement school safety projects ranging in cost from \$5,000 to \$10,000,000. MMSD's team will prioritize among needs based on the amount of funding available. The team's initial thinking is that keyless entry on all interior and exterior doors and welcome centers at the four high schools will be first priority, and that this could easily cost \$3,000,000. If the formal Request for Proposal (RFP) reveals that any or all of these project components are not eligible expenses under this competition, or that these expenses exceed the grant ceiling, the team will reconsider and reprioritize the project focus, perhaps using a phased approach, narrowing to initially focus on 13 middle and 4 high schools.

Project timeline _____

The implementation timeline depends on the date of grant award and when funds become available. Some projects can be completed prior to the beginning of the 2018-19 school year. For example, MMSD could complete a district-wide assessment of door hardware needs, publish a bid specification, place the hardware order, and begin installation. Other projects will be started, but given the scope and scale of work on fifty buildings, projects will need to be planned and implemented over a longer time frame.

Application and plan timeline _____

MMSD has capacity to dedicate personnel to developing and submitting an application as quickly as possible. To ensure the project is well planned, responsive, and implementable, the Safety and Security Team will need sufficient time to work together to create an action plan, gather pricing information, develop a budget, and respond to RFP criteria (e.g., matching requirements, needs assessment, evaluation plan, law enforcement review). We anticipate that an application and plan could be submitted within 4 - 6 weeks of RFP release.

Appendix A: School Safety and Security Team Membership Roster

Chad Wiese, Director of Building and Technical Services

Karen Kepler, Chief of School Operations

Joe Balles, Coordinator of Safety and Security

Brian Holmquist, Coordinator of Intensive Support and Critical Response

Quinn Craugh, Coordinator of Culture and Climate (BEP)

Steve Ryan, Risk Manager

Rick Hopke, Assistant Director of Facilities Maintenance

Michael Barry, Assistant Superintendent of Business Services

Marcie Pfeifer-Soderbloom, Coordinator of Grants and Fund Development (ad hoc, grants only)

The substitute amendment requires grant applications to include: (1) a school safety plan; (2) blueprints of each school building or facility, or a certification that previously submitted blueprints are current; and (3) a proposed plan of expenditure of the grant moneys. The substitute amendment also requires DOJ to submit an annual report to the Joint Finance Committee co-chairs regarding awarded grants and expenditures made with the grants.

School Safety Plans

The substitute amendment makes changes to current law relating to school safety plans. Presently, every public and private school must have a school safety plan in effect that is created with active participation of appropriate parties, which may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, and mental health professionals, and must review the plan every three years. The substitute amendment provides that the parties participating in plan creation may also include DOJ, and requires a school board or governing body to approve a school safety plan at least once every three years.

Content of School Safety Plans

The substitute amendment imposes additional requirements for what must be included in a school safety plan, beyond what is currently required. The amendment requires an individualized safety plan for each school building and facility that is regularly occupied by students, including any real property related to the building or facility that is regularly occupied by students. A plan must also include 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 (e.g., recess, athletic events, and concerts).

The substitute amendment also prohibits school boards and governing bodies from including certain items in a school safety plan. A plan cannot: (1) require an employee to contact a school administrator, school official, or other person before calling "911"; (2) prohibit an employee from reporting school violence or a threat directly to a law enforcement agency; or (3) prohibit an employee from reporting a suspicious individual or activity directly to a law enforcement agency.

On-Site Safety Assessments

The substitute amendment requires public and private schools to conduct an on-site safety assessment, in consultation with a local law enforcement agency, of each school building, site, and facility that is regularly occupied by students. The on-site assessment must be conducted before a school board or governing body creates or updates a school safety plan. The assessment must include playgrounds, athletic facilities or fields, and any other property occupied by students on a regular basis.

School Violence Drills

The substitute amendment requires public and private schools to conduct annual drills in the proper response to a school violence event in accordance with the school safety plan for that school building. The person in charge of a particular school building must submit a brief

written evaluation of the drill to the school board or governing body within 30 days, and the board or governing body must review the evaluation. A drill regarding a school violence event may be substituted for other required drills relating to fire, tornado or other hazards, or school safety incidents.

Mandatory Reporting of School Violence Threats

The substitute amendment imposes mandatory reporting of school violence threats by certain individuals, including teachers, school administrators, school counselors, other school employees, physicians, and other medical and mental health professionals.¹ Specifically, an identified individual must report 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 and safety of a student, school employee, or the public. These individuals must immediately inform a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat.

The substitute amendment provides immunity from civil or criminal liability for any person or institution making a report in good faith, as well as immunity for health care providers who do not report based on a good faith belief and their professional judgment that a report is not required. The substitute amendment also creates an exemption from mandatory reporting for members of the clergy if certain conditions are met. The substitute amendment mandates that school boards require employees to receive training regarding mandatory reporting of school violence threats, in addition to training regarding mandatory reporting of suspected child abuse and neglect required under current law.

The mandatory reporting created by the substitute amendment applies to threats of violence against public, private, or tribal elementary or secondary schools. An intentional violation of the reporting requirement is an unclassified misdemeanor, subject to a fine of \$1,000 or less, imprisonment of six months or less, or both.

BILL HISTORY

Senate Substitute Amendment 2 was offered by Senator Fitzgerald on March 20, 2018. On that date, the Senate adopted Senate Substitute Amendment 2 on a voice vote, and then concurred in Assembly Bill 843, as amended, on a vote of Ayes, 28; Noes, 4.

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¹ The full list of individuals required to report threats of school violence under the substitute amendment can be found in s. 48.981 (2) (a), Stats. The same individuals are also mandatory reporters of suspected child abuse and neglect under current law.



BUSINESS SERVICES DEPARTMENT

545 West Dayton St. ● Madison, Wisconsin 53703-1967 ■ 608.663.5265 ▼ <https://business.madison.k12.wi.us/>

Michael Barry, Assistant Superintendent for Business Services

Jennifer Cheatham, Ed.D., Superintendent of Schools

Memorandum

To: Supt. Jen Cheatham
From: Mike Barry, Asst. Supt. Business Services
Date: March 9, 2018
RE: MMSD Safety and Security Planning

School safety concerns at the national and local level call for us to reexamine the level of safety proficiency across all MMSD schools. We take this responsibility very seriously and want to do all we can to ensure the safety of our students, teachers and staff. This memo will briefly describe our approach to the work and the outcomes we seek.

Leadership: The core group of leaders responsible for this reexamination of safety proficiency includes Karen Kepler (Chief of Operations), Mike Barry (Asst. Supt. Business Services), Chad Wiese (Dir. of Building and Technical Services) and Joe Balles (Safety and Security Coordinator). The team will call upon other MMSD staff and industry experts for additional support.

Approach to the Work: Leadership team discussions over the past two weeks have centered on helping the schools by (1) establishing and enforcing consistent safety standards and practices, (2) securing the necessary resources to achieve those standards, (3) putting most of our efforts into the high schools first, and (4) focusing first on what can and should be done by September 1, 2018 and how to continuously improve safety proficiency thereafter.

Three Branches of School Safety Assessment: The leadership team has organized the safety discussion into three major areas:

School Facilities:

Areas for examination include the exterior doors, interior classroom doors, camera systems, communication systems, and other physical assets. Our goal is to establish uniform standards, as much as possible given the range of building ages and types, and fund the improvements necessary to achieve that standard.

Practices and Procedures:

Areas for examination include all aspect of access control, including visitor practices, open/closed campus, after-school building security (MSCR), along with training in crisis response, use of metal detectors, use of drug sweeps, to name just a few areas of safety practice.



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Safety-Related Staffing Levels, Roles, Responsibilities, Capabilities

Determining the appropriate staffing level for security assistants, defining roles, responsibilities, and capabilities is a priority. Maximizing the value of the Educational Resource Officers, and coordination with MPD and other community assets will be a priority.

Timeline for Recommendations, Actions and Budgetary Considerations: The leadership team is determined to act with urgency, but we want to go deeper than an expedient 'quick fix' approach. Recommendations are not expected to be ready for the April Preliminary Budget Proposal, but should be ready before budget adoption in late June.



Each month the Wisconsin School Safety Coordinators Association (WSSCA) receives calls and emails with questions about what other schools are doing about school security. As the executive director for WSSCA, I've gathered scores of documents, studies and articles, and it's abundantly clear that there are no agreed upon or simple answers.

Nevertheless, there is common ground concerning our grave responsibility to ensure student safety and security. I'm happy to share some of the information WSSCA has passed along to our membership in recent months, and I hope you can find some value in these words.

— Edward L. Dorff, PSP, Executive Director, Wisconsin School Safety Coordinators Association

Common Ground on **SCHOOL SECURITY**

WSSCA executive director talks about school safety plans and Crime Prevention Through Environmental Design



Edward L. Dorff

Question: What safety and security measures are used in America's public schools?

RESPONSE: Schools use a variety of practices and procedures to promote the safety of students, faculty, and staff. Certain practices, such as locking or monitoring doors and gates, are intended to limit or control access to school campuses while others, such as the use of metal detectors and security cameras, are intended to monitor

or restrict students' and visitors' behavior on campus.

In the 2013–14 school year (the latest year for which data is available), 93 percent of public schools reported that they controlled access to school buildings by locking or monitoring doors during school hours. Other safety and security measures reported by public schools included the use of security cameras to monitor the school (75 percent), a requirement that faculty and staff wear badges or picture IDs

(68 percent), and the enforcement of a strict dress code (58 percent). In addition, 24 percent of public schools reported the use of random dog sniffs to check for drugs, 20 percent required that students wear uniforms, 9 percent required students to wear badges or picture IDs, and 4 percent used random metal detector checks.

Use of various safety and security procedures differed by school level during the 2013–14 school year. For example, higher percentages of

public primary schools and public middle schools than of public high schools and combined elementary/secondary schools (referred to as high/combined schools) controlled access to school buildings and required faculty and staff to wear badges or picture IDs.

Based on my visits to schools in Wisconsin, I think our numbers are a bit higher. I've yet to find a public school that doesn't control entrance/access in some way although I do find that I've been buzzed in without having to provide identification or purpose at some places. That's an issue easily checked and corrected. It needs attention because it's too easy to get lax.

Question: What are some of the conditions we can look to for improving physical security at our sites?

RESPONSE: Graduates of the WSSCA coordinator certification course are familiar with the concept of Crime Prevention Through Environmental Design (CPTED). It is a simple concept to understand, but a complex one to implement as every school and campus has unique characteristics to be considered and mitigated. Despite these differences, all schools can implement the core elements of CPTED.

- **Natural surveillance.** Keeping an eye on the whole environment without taking extraordinary measures to do so. Typical obstacles to natural surveillance include solid walls and lack of windows that provide visibility to areas of the school building that have experienced a high incidence of problem behaviors. Pruning shrubbery is one step that can be taken to improve

natural surveillance of school grounds.

- **Natural access control.** Determining who can or cannot enter a facility. Obstacles to access control include unsupervised, unlocked entrances to the building. Converting several secondary doors into locked, alarmed, emergency exits is one way to improve access control.
- **Territoriality.** Establishing recognized authority and control over the environment, along with cultivating a sense of belonging. Poor border definition can impede territoriality. Jointly controlled park land adjacent to a school would be an example of poor border definition. School uniforms offer one approach to both establishing a sense of belonging and making it easy to distinguish between students and non-students.

When schools fail to integrate environmental design concepts into expansion or reconstruction plans, an important opportunity is lost. Rectifying this oversight after the fact can be expensive and politically uncomfortable. Applying environmental design concepts from the beginning usually has minimal impact on costs, and the result is a safer school that can focus on its mission of teaching and learning.

Question: How do I know if my school/district is in compliance with state regulations for school safety and security?

RESPONSE: By now, all school districts in Wisconsin have complied with Wisconsin's 2010 Act 309 which, among other things, required every district to develop a school safety plan by the end of May 2013.

Something that may be overlooked however, is the requirement that each district review its plan at least once every three years following the enactment of that plan.

In addition to renewing your school safety plan every three years, the law lays out several school safety requirements that some districts may have forgotten about. For instance, at least twice annually, schools are required to "drill all pupils in the proper method of evacuation or other appropriate action in case of a school safety incident."

If you are charged with overseeing your district's safety plan, take some time to review the school safety requirements under state statute 118.07 (4) (d). In addition, make sure your school safety has met the three-year review requirements, and be sure to document that review on the cover or title page of your plan.

Question: What is one last piece of advice that you'd give to school leaders?

RESPONSE: Each school, district, and community should institute measures appropriate for their own circumstances. A design for an inner-city neighborhood may not be appropriate for a rural neighborhood. There is not a single solution that will fit all schools, but there are many good models that schools can draw from. For more information and resources, please visit our website at WSSCA.org or contact me at wssca@wssca.org. ■

Edward L. Dorff, PSP, is the Executive Director of the Wisconsin School Safety Coordinators Association, and also serves on the Board of Education of the Green Bay Area Public Schools. Ed is a National Trainer for the ALICE Training Institute and has conducted active shooter mitigation training in seven states following his retirement from public education in June 2013.

FOR MORE INFORMATION...

Recent issues of *The FOCUS* and *Policy Perspectives*, the WASB's policy publications, address related school safety and security issues. The February 2018 issue of *The FOCUS* covers policy issues regarding visitors to schools. And the February 2018 (Vol. 40, No. 8) of *Policy Perspectives* provides examples of districts reviewing school safety plans and related policy. You can find both of these publications at wasb.org. Note: *The FOCUS* is a subscription-based publication. Subscribers can log-in and view past issues of *The FOCUS* at wasb.org.