



WISCONSIN LEGISLATIVE COUNCIL

SCHOOL SAFETY

Room 225 Northwest
State Capitol

December 10, 2008
10:00 a.m. – 12:58 p.m.

[The following is a summary of the December 10, 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, Laura Vernon, and Luis Yudice.

COMMITTEE MEMBERS EXCUSED: Public Members Richard Anderson and Luke Valitchka.

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

Approval of the Minutes of the November 12, 2008 Meeting

Public Member Gary Myrah moved, seconded by Senator Luther Olsen to approve the minutes of the November 12, 2008 meeting of the Special Committee. The motion passed on a voice vote.

***ATTENTION:** This was the final meeting of the Special Committee on School Safety. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

Chairperson's Remarks

Chair Lehman thanked the committee for its excellent attendance and hard work. He indicated that this may be the last meeting but reserved the right to hold an additional meeting if necessary. Chair Lehman reminded the committee that a lot of details regarding the committee's proposals were discussed at the last meeting. He explained that at this meeting, the committee would review the items it recommended for drafting, discuss the content of the drafts, and make any modifications needed before recommending the drafts to the Joint Legislative Council.

Description of Materials Distributed

Russ Whitesel, Legislative Council Senior Staff Attorney, provided a brief overview of bill drafts WLC: 0344/1, relating to pupil records; WLC: 0348/1, relating to school safety plans; LRB-0554/P1, relating to school policies on bullying; and WLC: 0345/1, relating to revenue limits. Mr. Whitesel explained that the pupil records and school safety plan drafts reflected decisions made at the last committee meeting. He noted that there were no changes made to the draft related to school bullying. Regarding the revenue limits draft, Mr. Whitesel stated that there was a second draft, WLC: 0345/2, which included some revisions to the draft. He indicated that the committee would review these revisions during the committee discussion period.

Chair Lehman explained that the Special Committee may decide to propose only two bill drafts by recommending the draft related to revenue limits separately as one bill and combining the other drafts relating to pupil records, school safety plans, and school policies on bullying into the second draft.

Committee Discussion and Recommendations Related to Materials Distributed

WLC: 0344/1, relating to pupil records

Mr. Whitesel reminded the committee that this bill draft was initially prepared in response to requests from Attorney General J.B. Van Hollen. He explained that there have been requests for some changes to this bill draft and that he would cover these requests.

For SECTION 2 amending s. 118.125 (2) (d), Stats., Mr. Whitesel asked the committee whether the draft should be rewritten to make it clear that the police school liaison officers gaining pupil records have legitimate educational and safety interests. Mr. Whitesel noted that this change would conform with Family Education Rights and Privacy Act (FERPA) regulations. There was consensus to make this revision. In further discussions, there was also consensus to replace "police school liaison officers" with "law enforcement officers" to broaden the term.

For SECTION 3, amending s. 118.125 (2) (n), Stats., Mr. Whitesel explained that the proposed language in line 12 allowing pupil record disclosure "prior to the filing or adjudication of a petition" was at the request of the Attorney General. He said that upon further review, it may make more sense to remove the phrase "prior to the filing" as the phrase "prior to adjudication" includes any time prior to adjudication. There was consensus to make this change, allowing disclosure at any time prior to adjudication.

Mr. Whitesel also explained that by replacing the language “for juvenile justice purposes” in line 21, with the phrase “concerning the juvenile justice system and the system’s ability to effectively serve a pupil,” the statute would align with FERPA, and clarify the intent of the draft. There was consensus to make this change. In response to questions, Mr. Whitesel explained that with these changes the bill draft more closely aligns Wisconsin law with FERPA.

There was consensus to recommend SECTIONS 4-6 as set forth in the bill draft.

WLC: 0348/1, relating to school safety plans

Melissa Schmidt, Legislative Council Staff Attorney, explained that this bill draft was in response to consensus committee decisions made at the last committee meeting held November 12, 2008. She explained that it addressed the school safety drills and provided more specific requirements regarding school safety plans.

Ms. Schmidt explained that SECTION 1 amending s. 118.07 (2) (a), Stats., added two school safety incident drills to the fire, tornado, and other hazard drill requirements. There was concern on the part of committee members about increasing the number of mandatory drills from approximately 11 to approximately 13. After considerable discussion, there was consensus to insert language which would require school administrators to conduct two safety drills, but allow schools to substitute any school safety incident drills for any other mandatory drill. After committee discussion, there was also consensus to require both public and private schools to conduct these drills. It was noted that private schools are currently required to conduct monthly fire drills and twice a year tornado or hazard drills.

Regarding SECTION 2 amending s. 118.07 (2) (b), Stats., Ms. Schmidt noted there was consensus to remove this SECTION from the bill draft. With regard to this section, the committee decided not to include a provision allowing schools a way to avoid conducting school safety incident drills by filing a report with the chief of the local fire department explaining why a required drill was not conducted. The draft will not change current law permitting schools to file reports for fire, tornado, or hazard drills that are not conducted.

For SECTION 3 amending s. 120.12 (26), Stats., Ms. Schmidt asked the committee whether anyone should be added or removed from the permissive list of parties the school board may specify as appropriate for the purposes of helping create a school safety plan. After committee discussion, there was consensus to replace the term “social workers” with the term “pupil services professionals,” which would include social workers as well as other pupil service personnel.

Ms. Schmidt also asked the committee whether private schools should be required to have school safety plans, as there was consensus to require private schools to conduct safety drills. Following discussion, there was general agreement to require that private schools have a safety plan under the draft. The rationale was that private schools should be prepared to protect their students in case of a safety incident.

Regarding training school personnel in school safety plan procedures, Ms. Schmidt explained that s. 120.12 (26) (b) was written in a manner to avoid problems related to contracted employees. She indicated that by allowing school boards to determine who should be trained, each school board could address these concerns without restraint of a statutory requirement. There was consensus to recommend s. 120.12 (26) (b), Stats., as drafted.

Ms. Schmidt indicated that upon further review of s. 120.12 (26) (c), she and Mr. Whitesel believed this only restated amendments already included in SECTION 1 of the bill draft. She indicated that proposed s. 120.12 (26) (c) was duplicative and recommended the committee remove it from the bill draft. There was consensus to remove it.

Ms. Schmidt explained that as drafted s. 120.12 (26) (d) gave school boards three years from the effective date of the bill draft to create the school safety plan and have it in place. She said that s. 120.12 (26) (e) required school districts to review the plans at least once every three years after the plan is in effect. There was consensus to recommend the drafted language without changes.

LRB-0554/P1, relating to school policies on bullying

Mr. Whitesel explained that the bullying bill contained no changes from the last committee meeting. He reminded the committee of discussion at the last meeting regarding language that would designate a school bullying awareness day during the national school safety week, recently held in October. He explained that this week is not specifically designated in any federal statute, but President Bush has declared it every year. Because this designation may not continue in the future, Mr. Whitesel suggested the committee not insert this requirement into the bill draft. There was consensus to recommend this bill draft without any changes.

WLC: 0345/1 and WLC: 0345/2, relating to revenue limits

Mr. Whitesel explained that WLC: 0345/1 was drafted in response to the committee's request to have a draft reflecting the state Senate's amendment to the 2007-09 Biennial Budget Bill [2007 Senate Bill 40] relating to an exemption to the school revenue limits for certain safety expenditures. He stated that WLC: 0345/2 was created in response to discussions regarding specific details of the bill draft. He said that all of the changes made in the second draft are bracketed for the committee's review and described in the section notes.

Mr. Whitesel explained that the bill draft, WLC: 0345/2, would allow school districts to exceed revenue limits for school safety expenditures. He said that the Senate's version of the 2007-09 Biennial Budget Bill allowed for spending of \$100 per pupil or \$40,000, whichever is greater, for costs of security officers and purchasing safety equipment. Mr. Whitesel explained that WLC: 0345/2 added spending for "improving school safety" to the allowable expenditures. He pointed out that the Senate's bill referred to "a plan," but that WLC: 0345/2 labels this as an "expenditure plan" to avoid having it confused with the school safety plan set forth in WLC: 0348/1. He also said that under WLC: 0345/2, allowable expenditures would be considered shared costs and therefore eligible for state equalization aid. After discussion, the committee also revised the draft to require that the expenditure plan be approved by the school board and filed with the State Superintendent only for the purpose of determining the school's revenue limit.

In response to questions, Mr. Whitesel acknowledged the term "security officers" used in the draft could be changed to "security personnel" and the committee agreed to make this change. In response to other questions, Mr. Whitesel affirmed that the draft would create local control, as school boards would have final authority regarding whether to spend over the revenue limits.

Chair Lehman indicated that it was his intention to take two separate committee votes, one on the revenue limit draft and the other on the drafts dealing with pupil records, school safety plans and

bullying policies. He explained that the bills will, if approved by both the committee and the Joint Legislative Council, be introduced early in the 2009 Legislative Session.

After additional discussion, Chair Lehman asked for a show of hands for and against recommending WLC: 0345/2, relating to revenue limits, as amended, to the Joint Legislative Council. Chair Lehman then asked staff to show the vote as a roll call vote for the committee record. There was no objection.

The committee voted to approve WLC: 0345/2 as modified by the changes adopted by the committee, on a vote of Ayes, 11 (Sens. Lehman and Olsen; Rep. Pope-Roberts; and Public Members Flores, Georg, Grogan, Milfred, Myrah, Rosch, Vernon, and Yudice); and Noes, 1 (Rep. Pridemore); and Absent, 2 (Public Members Anderson and Valitchka).

Following discussion, the committee agreed to combine the bill drafts on pupil records (WLC: 0344/1), school safety plans (WLC: 0348/1), and bullying policies (LRB-0554/P1), as modified by the committee. Chair Lehman asked for a show of hands for and against recommending the combined drafts to the Joint Legislative Council. There were no negative votes cast against the proposal. Chair Lehman asked staff to show the unanimous vote as a roll call vote for the committee record. There was no objection.

The committee voted to approve WLC: 0344/1, WLC: 0348/1, and LRB-0554/P1, as amended, on a vote of Ayes, 12 (Sens. Lehman and Olsen; Reps. Pope-Roberts and Pridemore; and Public Members Flores, Georg, Grogan, Milfred, Myrah, Rosch, Vernon, and Yudice); and Absent, 2 (Public Members Anderson and Valitchka).

[These bills will be combined into a single bill draft for submission to the Joint Legislative Council.]

Other Committee Discussions

Chair Lehman reported that he did not believe the committee should proceed with a specific proposal regarding a statewide school safety resource center. Mr. Whitesel explained that the Special Committee's final report could include a statement regarding the concept of such a center. At the request of Chair Lehman, Mr. Whitesel explained that the interest for a safety resource center appeared to be much broader than elementary and secondary school safety, and that this broader concept was not within the scope of the committee's assignment. Further, he explained that as this may be the final meeting of the Special Committee there may not be enough time to resolve all of the policy issues associated with a safety resource center. There was general agreement not to include any recommendation for legislation creating a school safety resource center in the committee's report.

Mr. Whitesel reported that regarding mental health parity, the Office of the Commissioner of Insurance (OCI) was still working on guidelines relating to the effect of the federal legislation on state mental health parity which will go into effect in January 2010. He stated that Legislative Council staff would disseminate more information to committee members when the OCI report was available.

Mr. Whitesel explained that the next step for the Special Committee was for Legislative Council staff to prepare the committee's recommendations for submission to the Joint Legislative Council. He explained that recommended bill drafts may look somewhat different in form as the Legislative Reference Bureau has to formally draft all bills. He indicated that the substance of the recommendations would remain the same.

Chair Lehman thanked the committee members and the staff for their efforts and for sharing their expertise in crafting the legislation to improve school safety in the state.

Adjournment

The meeting was adjourned at 12:58 p.m.

MS:ty