



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 4

TO: MEMBERS OF THE SPECIAL COMMITTEE ON SCHOOL SAFETY

FROM: Melissa Schmidt, Staff Attorney, and Russ Whitesel, Senior Staff Attorney

RE: School Safety Plans Options

DATE: November 5, 2008

The Special Committee on School Safety heard testimony regarding school safety plans at its September 9, 2008 meeting. The purpose of this Memo is to briefly review the statutory and administrative rule provisions directly relating to school safety plans and then set forth potential options the committee may decide to undertake.

Statutory and Administrative Rule Provisions

As explained in Memo No. 1, Wisconsin statutes and administrative code require school boards to two types of safety-related plans. The first plan school boards must have are safety plans, required by s. 120.12 (26), Stats. The second is a plan for operating “safe and healthful facilities,” required by s. 121.02 (1) (i), Stats., and the Department of Public Instruction (DPI).

Wisconsin statutes require school boards to: “Have in effect a school safety plan for each school in the school district.” [s. 120.12 (26), Stats.] This section does not specifically list what must be included in these plans. The committee heard testimony from various school districts which indicated that school safety plans vary in form and specificity. Some plans are voluminous with district-wide uniformity; others are templates that vary from school to school. As long as a school board has a safety plan in place, it is compliant with this statute.

School boards must also “provide safe and healthful facilities” and comply with regulations over toxic substances, such as asbestos and lead exposure. [s. 121.02 (1) (i), Stats.] In addition, DPI promulgated s. PI 8 (2) (i), Wis. Adm. Code, requiring school boards to have a long-range plan, which “defines the patterns and schedule for maintaining the district operated facilities at the level of the standards established for safe and healthful facilities.” Because the committee has decided not to address school health, the following options do not address these two requirements.

A. CREATE A REQUIREMENT AS TO WHEN SCHOOL DISTRICTS SHOULD REVIEW SCHOOL SAFETY PLANS

Background

Under current law, school boards are not required to review their school safety plans, as s. 120.12 (26), Stats., only requires that these plans exist. The U.S. Department of Education's Emergency Response and Crisis Management (ERCM) Technical Assistance (TA) Center recommends that emergency management plans' procedures are continuously assessed.¹ The committee also heard testimony at its September 9, 2008 meeting that some school districts review safety plans annually.

The ERCM TA Center also recommends that school districts collaborate with emergency management professionals (i.e., police, firefighters, etc.) and community partners (i.e., social workers, mental health providers, etc.) to review procedures.²

Options

1. Specify when or how often these plans should be reviewed.
2. Specify who should participate in review of the school safety plans, such as school administrators, teachers, police, firefighters, social workers, and mental health professionals.
3. Make no changes to current law.

B. CREATE A REQUIREMENT SPECIFYING SCHOOL DISTRICT STAFF TRAINING OF SCHOOL SAFETY TRAINING

Background

Under current law, school district staff are not required to receive school safety training. The ERCM TA Center recommends that all staff, including front office staff, custodial staff, teachers, nurses, cafeteria workers, bus drivers, and substitutes be trained in the school's emergency management plan.³ It states that effective training is:

- Based upon the school district's prioritized needs, risks, and vulnerabilities.
- Conducted with community partners.
- Based on a multi-hazard approach to emergency management.
- Scheduled routinely, at least one an academic year.

¹ Emergency Response and Crisis Management Technical Assistance Center, "Helpful Hints for School Emergency Management: Updating and Maintaining School Emergency Management Plans," 2:3, p. 3 (U.S. Department of Education: 2007).

² *Id.* at 2-3.

³ Emergency Response and Crisis Management Technical Assistance Center, "Helpful Hints for School Emergency Management: Steps for Developing a School Emergency Management Plain," 2:1, p. 5 (U.S. Department of Education: 2007).

- Customized and presented to all stakeholders.
- Documented in school and school district records.
- Provided to all staff, including front office staff, custodial staff, teachers, nurses, cafeteria workers, bus drivers and substitutes.

The committee heard testimony on September 9, 2008, that some school districts in Wisconsin currently require annual training.

Options

1. Specify that the training be based upon the district's prioritized needs, risks, and vulnerabilities.
2. Specify which district staff should receive safety plan training and how often the training should occur.
3. Make no changes to current law.

C. CREATE A REQUIREMENT AS TO HOW OFTEN THE SCHOOL SAFETY PLAN PROCEDURES ARE PRACTICED

Background

Under current law, Wisconsin statutes require school districts to practice fire drills, tornado drills, and drills for other hazards. School boards are required to maintain a record of each fire drill, tornado drill, or other hazard drill for at least seven years. [s. 118.07 (2) (a), Stats.] The school administrator must also file a fire, tornado, or other hazard drill report with the chief of the fire department. The report must explain why no fire drill was held during any month or when one or no tornado drills or other hazard drills are held during the year. [s. 118.07 (2) (b), Stats.] It is unclear whether the term "other hazards" include safety concerns covered in school safety plans.

For fire drills, school administrators of public or private schools must:

- Practice a fire drill.
- Once each month.
- Without previous warning.
- Except when the school administrator determines that the health of pupils may be endangered by inclement weather conditions.

For tornados or other hazards, school administrators of public or private schools must:

- Practice a drill at least twice annually.

- Without previous warning.

[Section 118.07 (2) (a), Stats.]

The committee heard testimony on September 9, 2008, that some school districts practice various school lockdown procedures in the fall.

Options

1. Specify when or how often students should practice school safety plan procedures. The committee could define specific portions of the plan as a hazard, which would invoke the hazard drill requirement in s. 118.07 (2) (b), Stats.
2. Make no changes to current law.

D. SPECIFY WHAT INFORMATION MUST BE INCLUDED IN SCHOOL SAFETY PLANS

Background

As previously stated, the ERCM TA Center recommends that a school district crisis response team include emergency response professionals, community partners, and school-based staff. The ERCM TA Center created various means by which these three groups may coordinate emergency response efforts. Enclosed in this Memo is the Center's Helpful Hints document entitled, *Components of Comprehensive School and School District Emergency Management Plans*, listing the suggested components that school safety plans could include. This list covers five general criteria: (1) general guidelines; (2) prevention and mitigation; (3) preparedness; (4) response; and (5) recovery. For a complete list of the suggested emergency management plan components that safety plans should include, refer to the enclosed document.

The committee heard testimony on September 9, 2008 that some school districts' safety plans are individual in nature, based on that particular school building, resulting in multiple different plans throughout the district. Others have one district-wide plan, multiple binders in length.

Options

1. Specify what additional components should be included in safety plans.
2. Require school safety plans components be based upon the school district's prioritized needs, risks, and vulnerabilities.
3. Make no changes to current law.

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Enclosure