

**WISCONSIN
SENATE BILL 154
ACT 309**

“A Readers Digest Summary”
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Development

- ▣ This bill was developed by the Wisconsin Legislative Council’s Special Committee on School Safety. It passed both the Wisconsin Senate and the state Assembly before the end of the 2009-2010 legislative session. On May 12th, 2010 Governor Doyle signed Senate Bill 154 into law. It is also called legislative Act 309.

Intent

- ▣ This bill updates and improves Wisconsin school safety provisions by requiring schools to have effective, comprehensive, Department of Public Instruction approved plans to deal with various aspects of safety in schools.

Some Targeted Plan Components

- Act 309 requires Wisconsin schools to update and/or implement school safety plans in areas spanning the concepts of mitigation, preparation, response and recovery to other areas of school safety such as the management of high risk student behaviors including bullying and cyberbullying.

Cooperation and Coordination

- Act 309 also facilitates cooperation and coordination between schools and law enforcement when students are involved in illegal or disruptive behavior.

School Climate

- "For children to be able to learn, their schools must be safe. When parents entrust their children's safety to our schools, it is critical that the school board and law enforcement work together, and that they both have the resources necessary to protect the students."
- Wisconsin State Senator

Select Passages from Act 309

- Senate Bill 154

“School Safety Plans”

- This bill expands current statutory requirements by providing specific details regarding school safety plans . The bill requires BOTH PUBLIC AND PRIVATE schools to do all the following:

- 1. Create a school safety plan with active participation from appropriate parties such as local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals and mental health professionals.

□ 2. Specify the process for reviewing the plan.

□ 3. Include general guidelines specifying procedures for emergency prevention and mitigation, preparedness, response and recovery as well as methods for conducting drills required to comply with the plan.

□ 4. Determine who shall receive the school safety plan training, which is based upon the school district's prioritized needs, risks and vulnerabilities.

▣ 5. Drill school safety plan procedures twice a year or substitute a school safety drill for a fire, tornado, or other hazard drill.

▣ 6. Have the school safety plan in place within 3 years after this bill goes into effect (May of 2013), and review it at least once every 3 years following the implementation.

School Bullying

□ The bill required the Department of Public Instruction (DPI) by 2010 to develop a model school policy on bullying by pupils (has been done). The policy must include all of the following:

□ 1. A definition of bullying.

□ 2. A prohibition of bullying.

□ 3. A procedure for reporting bullying that permits reports to be made confidentially.

□ 4. A prohibition against pupil retaliation against another pupil for reporting an incident of bullying.

□ 5. A procedure for investigating reports of bullying.

□ 6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.

□ 7. A list of disciplinary alternatives for pupils that engage in bullying.

□ 8. An identification of school-related events to which the policy applies.

▣ 9. An identification of the property owned, leased, or used by the school district on which the policy applies.

▣ 10. An identification of the vehicles used for pupil transportation on which the policy applies.

DPI Was Also Directed To:

▣ Develop a model education and awareness program on bullying and to post the model policy and the model program on it's Internet site (www.dpi.wi.gov). The bill further directed each school board, by August 15th, 2010, to adopt a policy prohibiting bullying by pupils.

▣ (Continued.....)

□ The bill permits the school board to adopt the model policy developed by the department. The school board, under the bill, must provide a copy of the policy to any person who requests it and annually distribute the policy to all pupils enrolled in the school district and their parents and guardians.

“Bullying Awareness Day”

□ The bill also designated Wednesday of the fourth week in September as “Bullying Awareness Day” for purposes of school recognition. Finally, the bill includes a section to make the provisions of the bill applicable to a first-class city school district and board.

Pupil Records

□ The bill includes a series of provisions dealing with the confidentiality and disclosure of pupil records. The following provisions are included in the bill:

□ 1. The bill retains the current law, which requires school boards to adopt regulations maintaining the confidentiality of pupil records. HOWEVER, IT ADDS the additional authority for school boards to adopt regulations designed to promote the disclosure of pupil records and information permitted by law for school safety purposes.

□ 2. The bill amends the statutes to require that pupil records be made available to law enforcement officers on the same basis as other school employees or officials, provided that law enforcement officers are individually designated by the school board and assigned to the school district.

□ 3. The bill contains a provision relating to the release of pupil records by school districts for juvenile justice purposes. THE BILL AMENDS CURRENT LAW to require school boards to disclose pertinent pupil records to an investigating law enforcement agency or district attorney. Disclosure shall be made only if the requesting person certifies in writing that the records concern the juvenile justice system, and the systems ability to serve the pupil, relates to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise disclosed by law.

4. The bill REPEALS a statute currently requiring a school district administrator or private school administrator who receives information regarding a law enforcement action TO NOTIFY ANY PUPIL NAMED IN THE INFORMATION AND THE PUPIL'S PARENT OR GUARDIAN of any minor pupil named in the information of that information.

4 (continued...)
The REPEAL is designed to ENCOURAGE law enforcement agencies to SHARE INFORMATION with schools in situations where they might otherwise withhold information out of concern that notification could undermine an investigation. The repeal does not preclude a school district from notifying students and parents when it is deemed appropriate.

5. Current statutes require all pupil records to be made available to teachers and other designated school officials who have legitimate educational interests, including safety interests. However a different section implies that school districts may not share information that a student is a physical risk to others with teachers and law enforcement units within schools, unless the school district has "reasonable cause" to believe, based on past acts, that the student presents a physical risk of harming others. Another section also limits the use and disclosure of such information. (Continued...)

▣ 5. (continued....)
▣ BY REPEALING THIS STATUTE SECTION the school district CAN continue to disclose records under 118.125. WHEN INFORMATION IS SHARED, SCHOOL PERSONNEL CAN BETTER ASSESS RISK AND THE EDUCATIONAL NEEDS OF BOTH STUDENTS PRESENTING A RISK OF HARM TO OTHERS AND TO OTHER CHILDREN.

▣ 6. The bill requires that a district attorney issuing criminal charges against a pupil make a reasonable attempt to NOTIFY THE PUPIL'S SCHOOL that criminal charges have been filed and the final disposition of those charges. A similar requirement CURENTLY APPLIES TO NONCRIMINAL JUVENILE CASES but notification is currently not required when a juvenile attends an independent charter school, or where the pupil is either charged as an adult or waived into adult court.

▣ 6. (continued....)
▣ The bill would REQUIRE THE DISTRICT ATTORNEY TO NOTIFY the school district, private school or independent charter school whenever a pupil is criminally charged as an adult and the district attorney reasonably believes the person charged is an enrolled pupil.

Additional Resource

- ❑ The Wisconsin Legislative Notification System is Web based and available at:
- ❑ <http://notify.legis.state.wi.us/Home.aspx>
- ❑ This system allows anyone the opportunity to follow legislation by receiving daily or weekly e-mails for specific legislative activities including tracking individual proposals, committee meetings , or even subject areas.

Thank you

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