

HOUSE BILL NO. HB0144

Education-school safety and security.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to school safety and security; establishing
2 a comprehensive school safety program; requiring
3 establishment of a tip line; requiring training;
4 prohibiting disclosure of information; establishing
5 supplemental financial assistance available to school
6 districts for employing and training school resource
7 officers for the protection and safety of schools;
8 specifying eligibility and providing for distribution;
9 granting rulemaking authority for program administration;
10 requiring reporting; providing appropriations; and
11 providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 9-1-641 through 9-1-644 are created
16 to read:

1

2 **9-1-641. Unit of school safety and security; created;**
3 **appointment of deputy.**

4

5 (a) The unit of school safety and security is created
6 within the division of criminal investigation of the office
7 of the attorney general.

8

9 (b) With the approval of the attorney general, the
10 director shall designate a deputy to supervise and direct
11 all activities of the unit of school safety and security.
12 The deputy shall be responsible to the director of the
13 division of criminal investigation for the operation of the
14 unit.

15

16 **9-1-642. Unit of school safety and security; duties**
17 **of deputy.**

18

19 (a) The deputy of the unit of school safety and
20 security shall:

21

22 (i) Supervise and direct all activities of the
23 unit of school safety and security;

1

2 (ii) Serve as the state's representative on
3 local, state and national organizations involved in school
4 safety and security and related functions;

5

6 (iii) Act as the state's authority on necessary
7 components of school safety and security plans and serve as
8 the state's liaison with local governmental entities,
9 appropriate law enforcement agencies, public safety
10 agencies and school district officials to facilitate a
11 cooperative and coordinated school safety and security
12 effort. The deputy shall also assist these agencies and
13 officials in formulating local crisis management plans and
14 other coordinated safety and security efforts relating to
15 school safety and security;

16

17 (iv) Administer the school safety and security
18 program required under W.S. 9-1-643;

19

20 (v) Provide public information and education
21 concerning issues related to school safety and security;

22

1 (vi) Subject to the approval of the director and
2 the attorney general, promulgate rules and regulations
3 necessary to implement the school safety and security
4 program required under W.S. 9-1-643.

5

6 **9-1-643. Unit of school safety and security; program**
7 **created; duties and responsibilities.**

8

9 (a) The unit of school safety and security shall
10 establish and administer a comprehensive statewide school
11 safety and security program which shall:

12

13 (i) Include methods of anonymous reporting
14 concerning unsafe, potentially harmful, dangerous, violent
15 or criminal activities in schools or the threat of those
16 activities. At minimum, methods of reporting shall include
17 telephone landline, website, mobile telephone application
18 and cellular text messaging;

19

20 (ii) Except as provided by paragraphs (iii) and
21 (iv) of this subsection, ensure the identity of the
22 reporting parties remains unknown to all persons and

1 entities, including law enforcement officers and employees
2 operating the program;

3

4 (iii) Allow for disclosure of information to law
5 enforcement officers, employees operating the program and
6 school district officials obtained from a reporting party
7 who voluntarily discloses his identity and verifies that he
8 is willing to be identified;

9

10 (iv) Ensure that a reporting party's identity
11 which becomes known through any means other than voluntary
12 disclosure is not further disclosed;

13

14 (v) Promptly share necessary information
15 received in operation of the program with the appropriate
16 law enforcement and public safety agency or school district
17 officials;

18

19 (vi) As determined appropriate by the unit of
20 school safety and security, establish and require training
21 on school safety and security awareness and appropriate
22 responses to information provided by the unit to law

1 enforcement dispatch centers, school districts, schools and
2 other necessary entities;

3

4 (vii) Provide educational material to schools,
5 school districts and other necessary entities regarding the
6 program.

7

8 **9-1-644. Unit of school safety and security;**
9 **confidentiality of material; hearing required.**

10

11 (a) All records concerning reports or tips received
12 in operation of the school safety and security program
13 required under W.S. 9-1-643 are deemed not to be a public
14 record and shall remain confidential information in the
15 possession of the unit of school safety and security. The
16 program and any person implementing or operating the
17 program may be compelled to produce the material only
18 before a court and only pursuant to court order as provided
19 by subsection (b) of this section.

20

21 (b) Persons implementing or operating the program
22 shall not be compelled to produce any materials obtained
23 in relation to the operation of the program, except on

1 motion of a criminal defendant to the court in which the
2 offense is being tried and the following procedure shall
3 apply:

4

5 (i) A written motion shall be made by the
6 defendant to the court at least ten (10) days prior to the
7 trial stating the materials contain impeachment evidence or
8 evidence that is exculpatory to the defendant in the trial
9 of that offense;

10

11 (ii) The written motion shall be accompanied by
12 affidavits in which the offer of proof is stated;

13

14 (iii) If the court finds the offer of proof
15 sufficient, the court shall order a hearing in chambers,
16 and at the hearing allow the questioning of the persons
17 implementing or operating the program or review of material
18 obtained in operation of the program regarding the offer of
19 proof made by the defendant and other pertinent evidence;

20

21 (iv) At the conclusion of the hearing, if the
22 court finds that the materials contain impeachment evidence
23 or evidence that is exculpatory to the defendant, the

1 evidence shall be admissible pursuant to this section. The
2 court shall make an order stating what evidence may be
3 introduced by the defendant, which shall require redaction
4 of the reporting party's identity and may include the
5 nature of the questions to be permitted.

6

7 (c) Any material provided pursuant to court order
8 under subsection (b) of this section shall be sealed and
9 preserved in the record of the court to be made available
10 to the appellate court in the event of an appeal. After
11 the time for appeal has expired, the court shall return the
12 material to the unit of school safety and security.

13

14 **Section 2.**

15

16 (a) For school year 2015-2016, supplemental financial
17 assistance shall be made available through the department
18 of education to school districts to acquire school resource
19 officers to enhance the protection and safety of students,
20 faculty and staff attending or employed within the schools
21 of the district. Supplemental financial assistance provided
22 under this section shall be awarded only to school
23 districts not employing school resource officers during the

1 school year immediately preceding that school year for
2 which financial assistance application is submitted.

3

4 (b) Each school district may apply to the department
5 of education for financial assistance under this section on
6 or before May 15 of the school year immediately preceding
7 the school year for which application is submitted.
8 Application shall be on a form and in a manner prescribed
9 by the department. Application review shall be in
10 accordance with a process established by department rule
11 and regulation and shall at minimum, require the following
12 documentation:

13

14 (i) The district's safety and security plan,
15 identification of deployment of supplemental assistance
16 under this section, including a description of the duties
17 which would be assigned to the school resource officer,
18 describing the impact of the program on school operations
19 and assurance that local law enforcement is included within
20 its safety and security plan and that local law enforcement
21 agencies provide respective safety and security plans to
22 the district;

23

1 (ii) Assurance that the district would restrict
2 expenditures of supplemental assistance to the costs of
3 employing school resource officers necessary to execute its
4 safety and security plan;

5

6 (iii) A report of any federal funds available to
7 the applicant district for the costs of employing school
8 resource officers within its schools;

9

10 (iv) A report of any funds available to the
11 applicant district from law enforcement or other public
12 safety agencies for the costs of employing school resource
13 officers within its schools.

14

15 (c) On or before July 1 following the date of
16 application, the department shall notify each district of
17 its eligibility to receive financial assistance, together
18 with an estimate of the amount of assistance the eligible
19 district would receive for the school year of application.
20 The department shall distribute assistance under this
21 section to each eligible district on or before August 1 of
22 the appropriate school year.

23

1 (d) Financial assistance under this section shall be
2 limited to one-third (1/3) of a salary not to exceed forty-
3 nine thousand five hundred dollars (\$49,500.00) per school
4 year, adjusted for regional cost differences as determined
5 for each district under W.S. 21-13-309(m)(v)(C), but not
6 adjusted for any other compensation related benefit. The
7 amount received under this subsection shall be reduced by
8 the amount equal to all federal or local funds received by
9 the school district for the purpose of funding salaries for
10 school resource officers.

11

12 (e) Financial assistance to each qualifying applicant
13 school district shall be made by the department from
14 amounts appropriated by the legislature from the foundation
15 program account for purposes of the assistance program
16 established by this section and shall be in addition to the
17 school foundation program amount computed for that district
18 under W.S. 21-13-309(p). If there is an insufficient
19 amount appropriated by the legislature for financial
20 assistance under this section, the department shall make a
21 pro rata reduction in financial assistance payments among
22 all qualifying districts. District expenditures of amounts
23 distributed under this section shall be solely for district

1 security resource officers in accordance with the school
2 safety and security plan submitted by the district under
3 subsection (b) of this section. The department may
4 withhold or request repayment of a portion or the entire
5 amount to be distributed to any district under this section
6 for noncompliance with program documentation required to be
7 submitted by the applicant district. Any appropriated
8 amounts not expended or encumbered under this section as of
9 July 1, 2016, including any amounts distributed to
10 districts which are not spent by July 1, 2016, shall revert
11 to the school foundation program account.

12

13 (f) Each school district shall report to the
14 department of education on expenditures of amounts
15 distributed under this section, together with additional
16 information required by the department on the use of school
17 resource officers and an evaluation of the impact of these
18 officers procured from supplement assistance on the
19 effectiveness of the district's school safety and security
20 programs as documented by data. The department shall
21 compile the information reported by districts under this
22 subsection and shall report the compilation to the joint
23 education interim committee on or before October 1, 2015

1 and periodically thereafter until the amount appropriated
2 under Section 4(d) is expended or the expenditure authority
3 expires, whichever occurs first.

4

5 (g) Information reported on or before October 1, 2015
6 under subsection (f) of this section, together with other
7 available data and resources, shall be used by the
8 appropriate legislative committee undertaking recalibration
9 of the education resource block grant model pursuant to
10 W.S. 21-13-309(t).

11

12 **Section 3.**

13

14 (a) For school year 2015-2016, supplemental financial
15 assistance shall be made available through the department
16 of education to reimburse school districts as provided
17 under this section to enhance the protection and safety of
18 students, faculty and staff attending or employed within
19 the schools of the district.

20

21 (b) Subject to state standards and department of
22 education rule and regulation, the department shall
23 reimburse school districts for one hundred percent (100%)

1 of the expense incurred for a certified teacher employed by
2 the eligible school district to obtain certification as a
3 peace officer and a school resource officer through the
4 Wyoming law enforcement academy pursuant to W.S. 9-1-633.

5
6 (c) Each school district may apply to the department
7 of education for financial assistance under this section
8 not more than thirty (30) days after the end of the fiscal
9 year for expenses incurred during the immediately preceding
10 school year. Application shall be on a form and in a
11 manner prescribed by rule and regulation of the department
12 and shall at a minimum require submission of supporting
13 documentation of the expenses incurred by the eligible
14 school district, including receipts, invoices or other
15 appropriate documentation identified by the department.
16 Application review shall be in accordance with a process
17 established by department rule and regulation.

18
19 (d) Financial assistance to each qualifying applicant
20 school district shall be made by the department of
21 education from amounts appropriated by the legislature from
22 the school foundation program account for purposes of the
23 assistance program established by this section and shall be

1 in addition to the foundation program amount computed for
2 that district under W.S. 21-13-309(p). If there is an
3 insufficient amount appropriated by the legislature for
4 financial assistance under this section, the department
5 shall make a pro rata reduction in financial assistance
6 payments among all qualifying districts. The department
7 may withhold a portion or the entire amount to be
8 distributed to any school under this section until receipt
9 of appropriate documentation verifying proper expenditure
10 in accordance with this section. Any appropriated amounts
11 not expended or encumbered under this section as of July 1,
12 2016 shall revert to the school foundation program account.

13

14 (e) Each district shall report information required
15 by the department of education on the use of certified
16 teachers that obtain certification as peace officers and
17 school resource officers under this section. The report
18 shall include the impact of these officers on the
19 effectiveness of the district's school safety and security
20 programs as documented by data. The department shall
21 compile the information reported by districts under this
22 subsection and shall report the compilation to the joint
23 education interim committee on or before October 1, 2015

1 and periodically thereafter until the amount appropriated
2 under Section 4(e) is expended or the expenditure authority
3 expires, whichever occurs first.

4

5 (f) Information reported on or before October 1, 2015
6 under subsection (e) of this section, together with other
7 available data and resources, shall be used by the
8 appropriate legislative committee in undertaking
9 recalibration of the education resource block grant model
10 pursuant to W.S. 21-13-309(t).

11

12 **Section 4.**

13

14 (a) For the period commencing July 1, 2015 and ending
15 June 30, 2016, the attorney general is authorized five (5)
16 permanent full-time positions for the unit of school safety
17 and security required under W.S. 9-1-641 through 9-1-644 as
18 created by section 1 of this act. In addition to any other
19 appropriation to the attorney general by this act, there is
20 appropriated an amount not to exceed four hundred ten
21 thousand dollars (\$410,000.00) from the school foundation
22 program account to the attorney general for the salary and
23 benefits of the employees authorized under this subsection.

1 The five (5) positions authorized under this subsection
2 shall be included in the attorney general's 2017-2018
3 standard budget request.

4

5 (b) In addition to funds appropriated under
6 subsection (a) of this section, for the period commencing
7 July 1, 2015 and ending June 30, 2016, two hundred twenty-
8 five thousand dollars (\$225,000.00) is appropriated from
9 the school foundation program account to the attorney
10 general to obtain necessary support services and for the
11 purchase of equipment and software necessary for the
12 operation of the unit of school safety and security
13 required under W.S. 9-1-641 through 9-1-644 as created by
14 section 1 of this act. This appropriation shall be included
15 in the agency's 2017-2018 standard budget request.

16

17 (c) The funds appropriated by subsection (b) of this
18 section shall be reduced by any unexpended funds
19 appropriated to the department of education by 2014 Wyoming
20 Session Laws, Chapter 26, Section 2, Section 206 to unit
21 1401 as of June 30, 2015 and any remaining funds shall be
22 transferred by the department of education to the attorney
23 general to fund the operation of the unit of school safety

1 and security under W.S. 9-1-641 through 9-1-644 as created
2 by section 1 of this act.

3

4 (d) For the period commencing July 1, 2015 and ending
5 June 30, 2016, two million three hundred thousand dollars
6 (\$2,300,000.00) is appropriated from the school foundation
7 program account to the department of education to fund the
8 school safety and security supplemental financial
9 assistance program to assist school districts in employing
10 school resource officers as created under and subject to
11 requirements specified under section 2 of this act.
12 Notwithstanding any other provision of law, this
13 appropriation shall not be transferred or expended for any
14 other purpose and any unexpended, unobligated funds
15 remaining from this appropriation shall revert as provided
16 by law on June 30, 2016. This appropriation shall not be
17 included in the department of education's 2017-2018
18 standard biennial budget request.

19

20 (e) For the period commencing July 1, 2015 and ending
21 June 30, 2016, one million dollars (\$1,000,000.00) is
22 appropriated from the school foundation program account to
23 the department of education to fund the school safety and

1 security supplemental assistance program to train certified
2 teachers as law enforcement and school resource officers as
3 created under and subject to requirements specified under
4 section 3 of this act. Notwithstanding any other provision
5 of law, this appropriation shall not be transferred or
6 expended for any other purpose and any unexpended,
7 unobligated funds remaining from this appropriation shall
8 revert as provided by law on June 30, 2016. This
9 appropriation shall not be included in the department of
10 education's 2017-2018 standard biennial budget request.

11

12 **Section 5.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)