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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committees on Criminal Justice and Corrections
FROM: Dan Rossmiller, Government Relations Director
DATE: March 1, 2012
RE: Assembly Bill 500, relating to adding kindergarten to the definition of school for the purposes of the gun-free school law and the prohibition against weapons on school grounds.

The Wisconsin Association of School Boards (WASB), on behalf of the 424 public school boards in our state, supports Assembly Bill 500 although with some reservations.

The issue this bill seeks to address is whether prohibitions on firearm possession on “school grounds” should apply to free-standing facilities that house kindergartens or prekindergarten classes.

Although 2011 Wisconsin Act 35 grants a number of rights regarding carrying concealed weapons (CCW), certain restrictions on possessing firearms on school grounds apply. The WASB supports those restrictions.

In general, firearms are not allowed on school grounds, regardless of any rights afforded under Act 35. Further, although a CCW licensee may possess a firearm within 1,000 feet of school grounds, other individuals, including students, are prohibited from such possession.

Under the current definition of school, the law is clear that a kindergarten (whether for 5-year olds or 4-years) or a pre-kindergarten located within or attached to a school building where instruction in one or more grades between grade 1 and grade 12 is being provided is covered. Those kindergartens or pre-kindergartens are considered to be on school grounds.

However, kindergartens or pre-kindergartens located in buildings that are not attached to or part of a regular school building are not covered. Often, these are operated in partnership with a community-based organization and housed within the building of that organization. The WASB supports those partnerships, where local districts determine they are appropriate. However, these kindergartens or pre-kindergartens are not considered to be “school grounds” under current law and thus are not automatically covered under the law that generally prohibits firearm possession on school grounds.

These early education facilities are not totally without a remedy, however. Act 35 creates provisions in Wisconsin’s trespass law under which owners of property may prohibit the carrying of concealed weapons if an appropriate notice is provided, including the positing of a sign in a prominent place near all of the

entrances of the parts of the building to which the restriction applies. Individuals entering the building must be reasonably expected to see such signs, which must state simply state the restriction imposed and, at a minimum should inform people that weapons and firearms are prohibited.

Such signs must be posted, however, or the prohibition does not apply. Assembly Bill 500 would cover these schools so the posting of special notices would not be required. While we support the bill, we think, however, that the posting of such signs would be useful and desirable given that it may not be intuitive that all of these unattached facilities house kindergartens and pre-kindergartens, particularly because they are remote from regular school grounds and many of the visible indicators of a regular school building may not be present or readily observable. We think an amendment requiring posting of signage at these remote locations would be useful to bolster awareness that the prohibition on firearm possession would apply at these locations as well as at more traditional school buildings.

Thank you for your consideration of Assembly Bill 500.

Additional Background

The members of the WASB have adopted a policy resolution stating support for school districts partnering with community-based organizations to provide early education services as follows:

The WASB supports high quality early child care/education services that benefit all Wisconsin children. If school districts choose to play an active role in expanding the availability of such services, the WASB supports them doing so in collaboration with parents, other public agencies and/or private businesses. Such services should meet the comprehensive needs of young children and families in their communities through the sharing of personnel, finances and facilities as available and appropriate.

The members of the WASB have also adopted a policy resolution about safe learning environments, which states:

The WASB supports safe learning environments for all children, free of guns and other weapons. Further, the WASB opposes any initiatives at the state or federal level that would legalize any further ability for anyone to bring a weapon or possess a weapon in school zones or lessen the consequences for violation of existing safe school policies relating to guns and other weapons.