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2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
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(AC-Ed)

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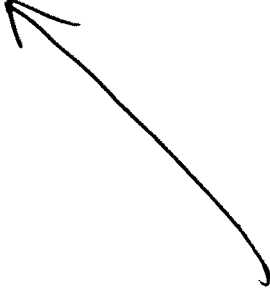
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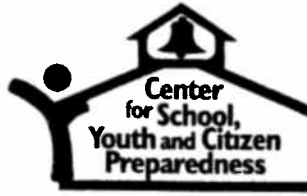
SB 154

1/12/10

EXEC AB 115 & AB 140 PUBLIC HEARING AB 520, SB 154, AB 247, AB 616







"Uniting Schools and Communities to
Strengthen Future Generations for Emergencies and Disasters"

Executive Director, Mary Jean Erschen

**Presented to the State of Wisconsin Assembly Education Committee
January 12, 2010**

Thank you, Chairperson Pope-Roberts and members of the committee for the opportunity to speak before you today. My name is Mary Jean Erschen, and I serve as the Executive Director and Founder of the Center for School Youth and Citizen Preparedness, which I will refer to as the "Center" throughout my testimony. As Executive Director of the Center, I manage two separate teams who are extremely dedicated to maintaining the safety and welfare of Wisconsin youth as well as the administration, staff, students, volunteers and the communities that support our public, private, Native American, and home school programs. There are currently 78 extremely dedicated and committed volunteers involved in our initiatives throughout the State of Wisconsin and I can confidently speak on behalf of those who were not able to join us that all are in support of SB 154.

The focus areas of the Center are included in the priorities of the federal and Wisconsin strategies for the Homeland Security Program to train citizens to prevent, prepare for, respond to, and recover from emergency and disaster situations. Governor Doyle, Wisconsin Citizen Corps Council, Office of Justice Assistance, Homeland Security Program, Department of Public Instruction, Wisconsin Emergency Management, Department of Military Affairs, Department of Transportation, Bureau of Transportation Safety, Department of Health Services, and Department of Juvenile Corrections have been supportive and active in our initiatives as well as leading experts in school preparedness, education, emergency management, law enforcement, fire service, emergency medical services (EMS), injury prevention, trauma services, and crime prevention. We feel that this multidisciplinary approach has led to the success of the many initiatives that have been implemented statewide. The multidisciplinary approach to leadership at the state level serves as a role model for communities, schools, and youth organizations to work together in leading school safety efforts at the local level.

School preparedness initiatives include:

School Crisis Preparedness Conferences held annually across the state

School Crisis Preparedness Conference for Higher Education

Assisting the Department of Public Instruction to develop a plan and implementation of their Safe Schools – Best Practice Monthly Webcast Series

School preparedness initiatives include (continued):

Development of Emergency Preparedness Guidelines for Schools

Annual Safe Schools Week Proclamation, Activities, and Resources

Website with links, documents, funding information and resources to assist schools with preparedness

License for electronic school crisis plan templates and instructional material for all Wisconsin K-12 schools, technical colleges and universities from Safe Havens International through a memorandum of understanding by the Office of Justice Assistance, Wisconsin Technical College System Foundation, and the Center

Technical Assistance to schools in preparedness needs including grants, plans, education, exercises and drills

Public speaking at statewide, regional, national and international conferences

Collaboration with other School Safety Centers nationwide through the U.S. Department of Education's Safe and Drug Free Schools Program

Youth preparedness initiatives include:

5-day Responding to Emergencies And Disasters with Youth (READY) summer camps

3-day READY Classes for middle school students

2-day READY Classes for high school students

Ribbon of Promise Campaign to create a positive school culture and prevent school violence.

The Center has been conducting annual conferences for the past 5 years for schools to educate them about school safety, development and implementation of best practices related to preventing or mitigating crisis events, planning for natural and man-made disaster situations, response to a situation of it occurs, and aspects of recovery. We have witnessed tremendous growth and expertise developed by school administration and crisis response teams since beginning our educational initiatives in 1999 after the shooting at Columbine High School in Littleton, Colorado. Initially, very few Wisconsin schools had any type of plan in place to adequately respond to such an incident. We still have school representatives who come to our conferences and ask for assistance because either they don't have a plan or they have 2-3 page plans that are extremely inadequate to handle any type of large scale incident either at their school or in the community.

The requirements included in SB 154 would provide a framework for schools to adhere to which is currently consistent with the National Preparedness Framework and best practice standards. This must be required of our schools to maintain a safe environment for our children and youth. Requirement to train and exercise on the plan is also extremely important for schools to make sure that the plan they have developed will actually be adequate during any type of crisis that may occur. We encourage schools to educate students, parents, and community members about safety actions that have been taken. Research has clearly demonstrated that students who feel safe at school also have higher academic achievement.

Another area of school safety addressed within SB 154 is bullying prevention. The expert members of the School Crisis Preparedness Committee of the Center decided that bullying prevention would be the theme of 2009 Safe Schools Week initiatives because of the impact that bullying behavior has on the school environment. Again, students need to feel safe in order to learn. Cyber-bullying has also become a huge issue that our schools now need to address with student access to electronic communication devices and social networking websites such as My Space and Facebook. Barbara Dorff from Green Bay School District has prepared testimony to provide more information related to bullying prevention and evidence-based practices. Along with my testimony, I am providing you with copies of the 2009 Safe Schools Week packet that was developed by our committee and distributed to schools last October. Parents of youth who have been bullied at school have contacted me and thanked our committee for the work that they have been doing related to this issue. The stories that the parents have told are sometimes horrendous! One student was treated in the emergency department for 60 wounds related to injuries that she received at school after the parents had begged school administration to take action against the bullying students. They were forced to move from their community due to lack of participation on the school's part to protect their daughter. A member of our READY Team also experienced situations of horrendous bullying by a teacher at her daughter's school. The student was a 4.0 GPA student and didn't want to go to school because of the behavior experienced at school. When meeting with school administration, the same situation occurred – very little support for the student or family involved. My own family has been affected when my son was diagnosed with bipolar disorder. As a registered nurse, I thought it was wise to educate his teachers about the signs and symptoms of bipolar so that we could work as a team to provide information to the doctor related to medication effectiveness. I am sad to say that I wished that I hadn't told some of my son's teachers since there were many incidents of bullying behavior after this information was exposed. Then my nephew tried to commit suicide after several incidents of bullying behavior at his high school. His comment to my brother and his wife was, "I thought that I should have been able to take it, but it was so bad that I couldn't take it any more."

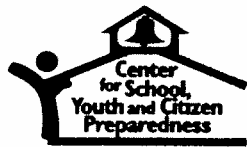
Members of our School Crisis Preparedness and READY teams have been involved in providing input to the Department of Public Instruction in development of their model bullying prevention policies for schools. It is our understanding that it will be distributed to schools upon passage of SB 154 into law.

The requirements of sharing information between agencies involved in safety related issues with students is crucial to success in maintaining school safety. Many school districts that we have worked with over the years have had confusion as to what information can be shared and what information needs to be kept confidential. The requirements of SB 154 creates clarity to many of these issues. Again, it has been documented in actual cases of school violence and potential threats that information that was known should have been shared prior to the incident to prevent the loss of life, property, and productivity. When an incident actually occurs, it takes years to recover and gain a sense of security.

We know that the budget at this time is extremely limited, but our team would also like the Committee to consider for future legislation the creation of a Wisconsin School Safety Resource Center. 22 other states have created an official entity sanctioned by state legislation and this has proved to be successful in assisting schools to develop and maintain safe environments by communication of best practices, linking them to funding at the state and federal level, providing technical assistance and education, and developing resources that will be of assistance to schools. We know for a fact that barriers in school safety include three primary issues – lack of funding, lack of knowledge, and lack of time. Since our inception, the Center has been serving in a capacity to address all three of these issues by providing funding information, educating school administrators and staff along with youth in the READY programs, and development of quality resources to assist schools to create positive and safe school environments.

Wisconsin Safe Schools Week October 18 - 24, 2009

Let's work together to create a positive, safe, and secure school environment!



For more information visit
www.citizenpreparedness.org

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OFFICE OF JUSTICE ASSISTANCE

WISCONSIN
DEPARTMENT OF
PUBLIC INSTRUCTION



Department of
Health Services

Wisconsin Safe Schools Week October 18-24, 2009



The Center for School, Youth and Citizen Preparedness (The Center) encourages all K-12 schools to sponsor events during Wisconsin Safe Schools Week that focus on empowering youth to stop bullying and violence in their schools and communities.

To help you plan your school's Safe Schools Week events, The Center has gathered the following list of web resources and available curriculum materials.

BULLYING PREVENTION CURRICULUM

Wisconsin Department of Public Instruction – Bullying Prevention Curriculum

Found at: www.dpi.wi.gov/pubsales/pplsvc_2.html

Cost: \$26 (in state) / \$39 (out of state)

Description: *It's Time to Act* – Grades 3-5; and *It's Time to React* – Grades 6-8

Age-appropriate and multi-strategy approach that explores the key knowledge, skills, and dispositions needed to help develop a school free of bullying behavior. In the new second edition, students will explore topics such as:

- The friend who bullies
- Strategies to respond to bullying behavior
- Saying “you’re sorry” and effective restorative justice response
- Building a bully-free school
- Cyber-bullying and electronic aggression in middle school

Seattle Public Schools Cyber-Bullying Curriculum

Found at: seattleschools.org/area/prevention/cbms.html

Cost: Free

Description: 9 didactic lessons that educate middle and junior high school students how to deal with cyber-bullying behavior. Lessons include: Respect and Responsibility; What Is Cyber-Bullying?; Devices and Services; Impacts and Consequences; Techniques and Scenarios; What to do if you are bullied or are a bully; Standing Up for Others; and Serious About Getting Help.

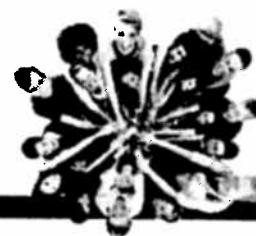
National School Board Association’s CyberSmart!

Found at: cybersmartcurriculum.org/cyberbullying/NSBA/

Cost: Free

Description: Social constructivist learning approach using critical thinking and decision-making skills. In developing these lessons, CyberSmart! adopted an integrated approach, examining all current research findings and using best practices from the fields of cyber security, school violence prevention, and character education to impact behavioral change. Together, these materials offer schools the opportunity to begin a dialogue with students and build a sustained cyber-bullying prevention campaign to continually remind the school community about safe, ethical online use.

Wisconsin Safe Schools Week October 18-24, 2009



BULLYING PREVENTION CURRICULUM *continued*

Hazelden Publisher's Olweus Bullying Prevention Program

Found at: www.hazelden.org/web/go/olweus

Cost: \$89.95 + many supporting curriculum resources

Description: It is designed to improve peer relations and make schools safer, more positive places for students to learn and develop. Program goals include:

- Reducing existing bullying problems among students
- Preventing New Bullying Problems
- Achieving better peer relations at school

Hazelden Publisher's Cyber-Bullying Curriculum

Found at: hazelden.org/web/public/cyberbullying1.page

Cost: \$99

Description: Eight-session curriculum helps students understand what cyber-bullying is, its consequences, and what students should do if they are cyber-bullied.

Program Goals:

- Raise students' and parents' awareness of what cyber-bullying is and why it is so harmful.
- Equip students with the skills and resources to treat each other respectfully when using cyber technologies.
- Give students information about how to get help if they, or others they know, are being cyber-bullied.
- Teach students how to use cyber technologies in positive ways.

Youth Matters (YM) – Department for Children, Schools, and Families – England

Found at: www.dcsf.gov.uk/everychildmatters/Youth/youthmatters/youthmatters/

Description: This site will show you what schools and communities in England are doing to teach school safety. Youth Matters aims to give all young people the chance of a positive future by helping them to learn in ways that motivate and stretch them and enable them to achieve; engage in positive developmental activities; make informed choices about their lives and benefit from high-quality, targeted support before problems escalate.

Wisconsin Safe Schools Week October 18-24, 2009



BULLYING PREVENTION WEBSITES

Wisconsin Department of Public Instruction

- dpi.wi.gov/sspw/safeschool.html
Violence Prevention information – Additional websites include Bullying Guidelines and Bullying Curriculum.

Wisconsin Department of Health Services

- dhs.wisconsin.gov/mh_bcmh/AntiBullyingCapaign.htm
Links to SAMHSA information and DPI's website.

Wisconsin Association of School Boards

- www.wasb.org/cms/search9.html?searchword=Bullying
Links to various resources statewide and school specific policies.

Wisconsin School Public Relations Association

- www.wspra.org/cms/schoolsafetystudybegins.html
Description of work being completed within the State of Wisconsin.
- www.wspra.org/cms/content/view/231/ Articles and links related to communicating about internet safety.

Minnesota School Resource Center

- www.mnssc.state.mn.us/bullying.asp
Manuals and resources for both bullying and cyber-bullying prevention.

Health Resources and Services Administration (HRSA)

- www.stopbullyingnow.hrsa.gov/kids/
Stop Bullying Now – Kids Page including age appropriate webisodes and games.

American Psychological Association

- www.psychologymatters.org/bullying.html
Research findings, Significance, and Practical Applications.

National Youth Violence Prevention Resource Center

- www.safeyouth.org/scripts/topics/bullying.asp
Articles, Best Practices and Resources.

National School Safety Center

- www.schoolsafety.us/Bullying-p-26.html
Bullying in Schools: Fact Sheet Series; Bullying in Schools: Discussion Activities for School Communities; Talking with Hilda Clarice About Bullying.

International Bullying Prevention Association

- www.stopbullyingnow.com/
- www.stopbullyingworld.org
Stop Bullying Now – practical research-based strategies to reduce bullying in schools. What works to stop bullying and what doesn't, and training materials.

Center for Safe and Responsible Internet Use

- www.csriu.org
Documents, Cyber-bullying information, Professional Development, Presentations, Nancy Willard's blog, Parent resources.

Olweus Bullying Prevention Website – Clemson University

- www.clemson.edu/olweus
Official United States site for the Olweus Bullying Prevention Program. Includes program content, materials, certified trainers, evidence of effectiveness, suggested program timeline, and fact sheets.

Ancomm

- www.ancomm.com/code_of_silence/index.html
Dedicated to empowering students to share what they know before tragedy strikes in their school; to giving children a chance to learn and teachers a chance to teach.

Wisconsin Safe Schools Week October 18-24, 2009



BULLYING PREVENTION WEBSITES *continued*

Bullying in Schools and What You Can Do About It

- www.kenrigby.net/
Includes information about Bystander Intervention, a new training film to assist in dealing with selected cases of bullying; What is known about bullying in schools; How harmful is bullying?; How are cases of bullying being handled by schools?; How successful anti-bullying programs can be?; What can schools do? What can parents do?; Useful questionnaires; Publications; Video; Links.

Center for the Study and Prevention of Violence

- Institute of Behavioral Sciences, University of Colorado at Boulder
- www.colorado.edu/cspv/safeschools/bullying
Definitions, Prevention Tips, Legislation, Myths, Characteristics, Links, and Resources. Bullying Research.
 - www.bullyingresearch.com/
Websites, Books, Articles, Reports, Theses, Movies, and Researchers. Cyber-Bullying – Bullying in the Digital Age.
 - www.cyberbullyhelp.com/index.htm
Resources for parents, educators, and students.
 - www.backoffbully.com/
Published papers, parenting tips, videos, school materials, services, music, peaceful school projects.

Department of Health and Human Services

- Centers for Disease Control and Prevention
- www.cdc.gov/ncipc/dvp/electronic_aggression.htm
New Technology and Youth Violence Information, Publications, CDC Resources, and Additional Federal Resources.

U.S. Department of Health and Human Services

- Substance Abuse and Mental Health Services Administration (SAMHSA) – National Mental Health Information Center – Center for Mental Health Services.
- mentalhealth.samhsa.gov/15plus/aboutbullying.asp
Resources for parents, grandparents, and caregivers; Resources for educators, administrators and guidance counselors; Resources for Mental Health Professionals and other health care; Resources for Community Organizations and Law Enforcement; Resources for Children and Teens; Featured Publications; Related Links; and Public Service Announcements.

The Colorado Trust – Bullying Prevention Resource Guide

- www.bullyingprevention.org/
Best Practices, Key Questions, and Case Studies.

Net Smartz

- www.netsmartz.org
A site for parents, educators, law enforcement, teens and kids with information, games, videos and more to teach safe internet use.

Bullying.org – Where You Are Not Alone

- www.bullying.org/
Bullying awareness resources, frequently asked questions, bullying courses, fact sheets, and resources.

Internet Keep Safe Coalition

- www.ikeepSAFE.org
Resources for teaching students to be safe and responsible while using connected technology (iPods, instant messaging, chat, computer games, cellphones, text messaging, webcams, etc.).



For more information visit
www.citizenpreparedness.org



WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Testimony to the Assembly Committee on Education

Senate Bill 154 Relating to School Safety

January 12, 2010

My name is Diana Borth. My address is 419 3rd Avenue, New Glarus, Wisconsin. I am a Family and Consumer Education teacher at Badger Ridge Middle School in Verona. I have worked for the Verona Area School District for the past 21 years. I strongly support Senate Bill 154 because I know first-hand the value of combating bullying head on.

In the spring of 2007, the Department of Public Instruction (DPI) offered training and a pilot program on bullying prevention that I attended along with three teachers from the Verona district. The following fall, the pilot program was implemented at Badger Ridge Middle School (BRMS) and Savannah Oaks Middle School (SOMS). The DPI bullying prevention curriculum was taught to all 6th, 7th and 8th graders in the Verona Area School District through the Health and Family and Consumer Education departments. Additionally a staff in-service and parent advisory meetings were held, and anti-bullying signage was created at BRMS. The administration at BRMS made bullying prevention a priority and encouraged a school-wide environment that all staff had a responsibility to create awareness and empower students. This commitment was shown further with the creation of Building Community at Badger Ridge (BC@BR), an affective-based small group program that met once a month to encourage community across grade levels. The curriculum was well received by the students, and the 8th graders in particular showcased leadership in the area by developing building-wide events that encouraged a bully-free school. The end-of-the-year student survey reported that a majority of the students felt safe at BRMS.

During the second year of implementation, we continued with the DPI curriculum in all three grades level with a modification in 7th grade curriculum to address the topic of cyber-bullying. The BC@BR small groups continued as well. The end-of-the-year

Mary Bell, President
Dan Burkhalter, Executive Director



student survey reported that a majority of the students felt safe at BRMS. The data collection also revealed higher reporting of bullying incidents, but it was not clear if the higher reporting was due to student awareness, student empowerment or an actual increase in bullying behaviors. We began our third year of implementation this past school year and are currently in our fourth year of program and curriculum.

This past school year, I had a 7th grade student that was being bullied in her neighborhood and also in the school. She asked for my help. I encouraged her to use the skills she learned in 6th and 7th grade to take charge of her situation. She met with the school counselor and developed a plan with which she felt comfortable. The plan also involved her mom and school staff. She no longer felt like a victim but felt in control. We want students not to be bystanders but rather advocates for themselves as well as others. Senate Bill 154 can help make this happen.

It is important to acknowledge that bullying exists in our schools as well as in our society. It is also important to acknowledge that a vast majority of our students as well as the general public do not participate in bullying behavior. It is the school's responsibility to create awareness, teach skills and empower students to become respectful citizens of the 21st century. Senate Bill 154 will ensure that all school districts have the curricular resources to combat bullying.

Diana Borth
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Blog: www.wisconsinfamilyvoice.wordpress.com

Testimony in Opposition to Bullying Proposal in Senate Bill 154
Assembly Committee on Education
Julaine K. Appling, WFA President
January 12, 2010

Thank you, Chairman Pope-Roberts and other committee members for this opportunity to present testimony on a particular aspect of Senate Bill 154 (SB 154). Wisconsin Family Action (WFA) is opposed to the proposed “Bullying Prevention” portion of SB 154. We encourage you not to support it in committee or on a floor vote and to draft an amendment that withdraws the bullying provision from SB 154.

As drafted, the bullying portion of SB 154 requires each school district in the state to adopt a policy for preventing bullying, and requires the Department of Public Instruction (DPI) to create a model policy that boards can adopt. The bill also requires all school districts to participate in a “Bullying Awareness Day” to educate students.

Wisconsin Family Action opposes the bullying portion of SB 154 for the following reasons:

1) *SB 154 is unnecessary.*

Although SB 154 gives the impression that students of Wisconsin schools are currently at the mercy of bullies, this is clearly not the case. According to the DPI over 400 school districts of the 426 already have rules and policies in place to protect pupils from bullying on school grounds, in school vehicles, and at school-related events. SB 154 is unnecessary because schools already have policies in place to punish the bad behavior of bullies. Why should the state add more bureaucratic red tape for something that local communities are appropriately taking care of?

SB 154 is also unnecessary because administrators and teachers should be at liberty to make decisions about a child’s behavior on an issue-by-issue basis. Instead of promoting a model policy that is so broad that students who ignore another student or students who share a disputable opinion with another student can be punished as a bully, the state should leave this area for school boards and administrations to handle for themselves, just as they have done for years.

2) *SB 154 could have unintended consequences*

SB 154 currently does not include a definition of bullying. Instead the bill leaves the task of defining what a bully is to the DPI in its model policy. In 2007, DPI released its *Bully Prevention Policy Guidelines* (http://63.134.222.9/wssca_docs/uploaded_documents/bullyingpolicyguidelines.doc) in anticipation that a bill such as SB 154 could become law. Within these guidelines part of the department’s definition of bullying includes such things as “...verbal assaults, nonverbal or emotional threats or intimidation, social exclusion and isolation...[sending] intimidating messages...put-downs and name-calling.” DPI’s definition also states that bullying does not need to be a part of an ongoing conflict.

The current definition provided by DPI is dangerous because it is so broad and leaves open the possibility that any student who disagrees with another student or states beliefs that might be intimidating to a student could be labeled a bully and punished for his beliefs. While Wisconsin Family Action respects the intent of the authors and co-sponsors of this bill, we do not believe it is necessary or worth the risk of unintentionally impeding students’ freedom of speech in our schools.

Although DPI’s current definition does cover what a bully often does, it also includes many things that a student may not intend as bullying. This leaves open the possibility that students who are not being bullies could be punished as such. Under DPI’s definition, even expressing disagreement with another person on an issue or on personal behavior choice could likely constitute “intimidation.”

SB 154 also leaves open the possibility that DPI may change its definition, expanding it to include anything that a student might do that another student could find offensive or intimidating. It is highly possible that in the process of developing the model policy and when school districts actually adopt a policy, that certain groups will be given special protection while other groups will be unfairly discriminated against.

3) *SB 154 is a shift away from local control.*

Although SB 154 does not require school districts to adopt DPI's model policy, this bill further removes control from the local school board to a statewide department by requiring schools to have a bullying policy and participate in a "Bully Awareness Day." This bill is also a shift away from local control because a model DPI policy often becomes widely adopted by school districts. A "suggested model policy" is really just a small step away from requiring all school districts to adopt that policy. At that point local control is essentially completely wrested on this issue.

Summary and Recommendation

To clarify, WFA is not opposed to rules and policies that punish bullies; but we do believe that SB 154 is unnecessary for the protection of our children from the school bully. The vast majority of Wisconsin's school districts already have policies and rules in place that deal with the problem of bullying, and it is unnecessary to centralize control in this area and promote a broad definition of bullying that might restrict school administrators, as well as restrict a student's right to voice his or her beliefs.

WFA believes there is better language that will provide appropriate anti-bullying policies while also protecting the First Amendment rights of all students (*attached*). If you have any questions or would like further information about the language we are suggesting, please don't hesitate to contact me. Thank you for your serious consideration of this important material. We urge you to amend SB 154 to eliminate the "bullying prevention" portion.

MODEL ANTI-BULLYING POLICY

I. PURPOSE

The [INSERT NAME OF SCHOOL DISTRICT] (the "District") recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The District finds that bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

II. DEFINITIONS

A. "Bullying" means systematic, repeated, or recurrent conduct committed by a student or group of students against another student that causes measurable physical harm or emotional distress. Verbal expression, whether oral, written, or electronic, is included within the definition of "bullying" only to the extent that (1) such expression is lewd, indecent, obscene, advocating for illegal conduct, intended to incite an immediate breach of peace, or the severe and pervasive use of threatening words that inflict injury; or (2) District administrators or officials reasonably believe that such expression will cause an actual, material disruption of school work.

B. "School Premises" means any building, structure, athletic field, sports stadium or other real property owned, operated, leased or rented by the District or one of its schools, including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school.

C. "School-Sponsored Functions or Activities" means a field trip, sporting event, or any other function or activity that is officially sponsored by the District or one of its schools.

D. "School-Sponsored Transportation" means a motor vehicle owned, operated, leased, rented or subcontracted by the District or one of its schools.

III. PROHIBITION

The District prohibits all bullying on school premises, at school-sponsored functions or activities, or on school-sponsored transportation.

IV. REPORTING

Any student who believes he or she has been or is currently the victim of bullying should immediately report the situation to the school principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate school administrator.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All complaints about bullying behavior that may violate this policy shall be promptly investigated.

If the investigation finds an instance of bullying behavior has occurred, it will result in prompt and appropriate disciplinary action. This may include up to expulsion. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be

tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

V. INTERPRETATION

This policy shall not be interpreted to infringe upon the First Amendment rights of students, and is not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.



Assembly Committee on Education

Testimony of Deputy State Superintendent Mike Thompson on 2009 Senate Bill 154

January 12, 2010

Thank you to Chairperson Pope-Roberts and members of the committee for the opportunity to testify before you today. My name is Mike Thompson. I am the Deputy State Superintendent of the Department of Public Instruction. With me today is Nic Dibble our School Social Work Consultant. We are here today on behalf of State Superintendent Tony Evers to testify in support of Senate Bill 154 as the bill would enhance the safety of our schools.

The State Superintendent and the staff at DPI recognize the importance of this issue as it impacts on the primary mission of supporting public schools in our state and in ensuring that every student has the opportunity to learn and prepare for success in life after their formal pre-K-12 education has been completed. Threats to the safety of students compromise the ability to be successful in school and we must do everything in our power to diminish those threats so that students are free to learn. For these reasons State Superintendent Evers has made it a top priority of his administration to promote safe and respectful schools.

While Wisconsin schools are among the safest places for students to be in our communities we are very concerned about the feeling that is increasingly expressed to us by school staff, parents, and others that schools are becoming less safe. According to the 2009 Wisconsin Youth Risk Behavior Survey (YRBS), which we conduct with the U.S. Centers for Disease Control and Prevention, we have seen both positive and concerning trends since we started administering the survey in 1993. On a positive note there has been a significant reduction in behaviors related to fighting and weapon carrying. However, the number of Wisconsin students reporting that they were subjected to bullying continues to be of concern.

- Eighteen percent of students reported that someone tried to hurt them in the past year by hitting, punching, or kicking them while at school.
- One out of five (22%) high school students reported being bullied in the past year to the point that they felt unsafe at school or it was hard to do their best at school.
- Just under half (42%) of high school students agreed that harassment and bullying were a problem at their school. In addition, one out of three high school students either strongly agreed or agreed that violence was a problem at their school.
- Four percent of students reported not going to school in the past month because they felt unsafe at school or on their way to or from school.

The department has taken a number of steps to help school districts create safer and healthier environments for their students and we believe this bill reinforces those actions. We have

developed a bullying prevention curriculum for grades 3-5 and 6-8 and bullying prevention policy guidelines and distributed these to all school districts in the state. We also have been working hard to train personnel in school districts around the state on promoting safety and preventing and dealing with bullying and other types of violence at school through workshops, conferences and webcasts. These focused on a wide variety of school safety issues such as violence prevention, weather emergencies, safety drills, child abuse prevention, suicide prevention, dating violence prevention, bullying prevention curricula implementation, and development of local school safety policies and procedures to promote safety and reduce bullying and harassment.

The department is also supportive of language in the bill as it relates to pupil records and information sharing. The bill will enhance school safety by providing greater clarity in the law as to what information must be shared by the school district with law enforcement. It will also allow schools to receive the necessary information from law enforcement that they need to ensure the safety of their schools.

Thank you. At this time we would be happy to answer any questions you may have.





STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

TO: Members of the Assembly Committee on Education

FR: J.B. Van Hollen, Attorney General

A handwritten signature in cursive script, reading 'J.B. Van Hollen'.

DT: January 12, 2010

RE: 2009 Senate Bill 154

Dear Members of the Assembly Committee on Education:

Please accept the attached written testimony in support of Senate Bill 154 related to school safety plans, pupil records and school bullying. This written testimony was also delivered to the Senate Committee on Education when a public hearing was held on this bill on July 9, 2009.

Thank you.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**J.B. VAN HOLLEN
ATTORNEY GENERAL**

**Raymond P. Taffora
Deputy Attorney General**

114 East, State Capitol
P.O. Box 7857
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608/266-1221
TTY 1-800-947-3529

TO: Members, Assembly Committee on Education

FR: Attorney General J.B. Van Hollen

Handwritten signature of J.B. Van Hollen in black ink.

DT: January 12, 2010

RE: Written Testimony in Support of 2009 Senate Bill 154

ATTACHMENTS: Making Schools Safer By Facilitating Information Sharing: Prepared testimony of Attorney General J.B. Van Hollen Before Legislative Council Special Committee on School Safety (Sept. 9, 2008)

I am writing today to support 2009 Senate Bill 154.

As a father of two kids attending Wisconsin public schools and as the state's top cop, school safety is a concern of mine. This concern is shared by parents, law enforcement officers, and education professionals. And I know it is an important issue to you.

We all recognize that schools are not separate from society. They are integral parts of communities. And, unfortunately, no community is immune from violence or crime. Schools can be marketplaces for drugs, recruiting grounds for gangs, and rarely – but not rarely enough – stages for horrific acts of mass violence.

Since I've been Attorney General, the Department of Justice has been actively working on ways to make our schools safer. One of those efforts included my participation on a school and campus safety task force comprising State Attorneys General throughout the nation. We studied various school safety issues with an aim towards developing recommendations that would stimulate dialogue with federal, state, and local policymakers. All three of the areas addressed by SB 154 – facilitating information-sharing, reducing bullying, and improving (and exercising) school safety plans – were recommended for review by the task force.

Building off the task force's recommendations, my staff and I developed a policy proposal aimed at facilitating greater information between schools, law enforcement, and the criminal justice community. I believe that information-sharing is a key public safety tool, and information silos are rightly seen as major impediments to properly assessing risks to public safety. Currently, Wisconsin law unnecessarily restricts information-sharing to the detriment of school safety and individual students.

At the invitation of the Special Committee on School Safety chaired by Senator Lehman, I testified before the study committee last fall and presented our policy proposal. The Special Committee discussed our proposal, made certain modifications, and adopted it in substantial part. That work appears before you today as the part of SB 154 that relates to information sharing. These aspects of the bill encourage schools to appropriately share information, remove existing barriers to sharing safety-related information, and direct that schools receive notification about pupils in the adult criminal justice system – information schools currently receive when a pupil is in the juvenile justice system.

Parents lay the foundation for safe schools, teaching their kids right from wrong and instilling good work habits and social skills. Teachers and other education professionals reinforce these messages. But law, too, makes a difference. Law can facilitate informed decisionmaking, enabling decisionmakers to have access to the information necessary to assess safety risks and educational needs. Or law can prevent smart, informed decisionmaking to the detriment of individual students, schools, and communities.

I believe these proposals, and the bill as a whole, move the law in the right direction and will enhance school safety, thus contributing to the education and well-being of our kids and communities. I encourage you to support SB 154.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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MAKING SCHOOLS SAFER BY FACILITATING INFORMATION SHARING

**PREPARED TESTIMONY OF ATTORNEY GENERAL J.B. VAN HOLLEN
BEFORE LEGISLATIVE COUNCIL SPECIAL COMMITTEE ON SCHOOL
SAFETY**

Tuesday, September 9, 2008, 10:00 a.m.
Legislative Council Conference Room
One East Main St., Suite 401

Chairman Lehman, Vice-Chairman Pridemore, members and staff of the Special Committee on School Safety, thank you for the invitation to appear here today. As the state's top cop and father of two kids attending Wisconsin public schools, let me thank committee members for volunteering your time and sharing your expertise to study this important public safety and education issue.

Indeed, as I travel throughout the state, meeting with law enforcement officials and other community leaders, school safety issues are often among their primary public safety concerns.

It is a concern of mine as well. Since I've been Attorney General, the Department of Justice has been actively working on issues relating to school safety. For example, I participated in a School and Campus Safety task force with over two dozen state attorneys general. I've heard from school officials, as well. Many were invited to and participated in my annual Law Enforcement summit. And my office participated on the Governor's campus safety task force.

We're helping as lawyers, too. Last October, my office published a school safety legal resource manual, which I understand has been distributed to the committee. This manual is intended to help school officials and others navigate the world of Search and Seizure law; child abuse investigations in schools; questioning of juveniles by law enforcement and school employees; the authority and role of school liaison officers; and, the issue I will discuss most today, the confidentiality of education records.

Schools are not islands separate from society. They are integral parts of communities. The public safety issues that plague communities are present and sometimes intensified at schools. While shootings and other acts of violence at school are rare, they are not rare enough. Just yesterday, we learned the tragic news that a 15-year old Milwaukee schoolgirl

died from wounds suffered last week in an afterschool fight. It is a sober reminder that no community is immune from violence. No child is ever completely safe from crime. Wisconsin's schoolchildren are targets for sex predators. Schools can be marketplaces for illicit drugs; kids, buyers and sellers. And high school and even middle school campuses can be recruiting grounds for gangs. Rarely, but not rarely enough, school campuses are stages for horrific acts of mass violence, as exemplified by Columbine, Virginia Tech, and what was averted at Green Bay East.

We all recognize that violence and crime at school can undermine the education of all students. To borrow the motto of Milwaukee School District's Public Safety Division, "Education first, safety always."

Make no mistake, parents lay the foundation for safe schools; teaching their kids right from wrong, instilling good work habits, instructing them to avoid trouble. Education professionals do their best to reinforce these messages.

Agencies like the Department of Justice, proactively support children's safety through education. Last year, the Wisconsin Internet Crimes Against Children Task Force, led by the Department of Justice, made 299 Internet safety presentations, reaching thousands of Wisconsin parents, children, and professionals.

Parents, educators, and *education* are necessary, but insufficient to create safe schools; insufficient to protect kids.

There will always be times where law enforcement is needed to respond to individual cases or to more regularly work with school officials to maintain safe school environments as best they can.

Law, too, plays an exceptionally important role in safe schools. Law should promote, not impede, the ability of school administrators and law enforcement to develop strategies to *minimize* the possibility of school violence, and to maximize *effective* response to mass violence and other crime at school.

Studying what law *can* do better – how our law can be changed to facilitate safer schools – is the reason this committee was created.

The State Attorneys General task force I mentioned earlier was formed to study school safety issues and to stimulate dialogue with policymakers. Our Task Force reviewed numerous documents and heard testimony from a dozen school safety experts. Our work concentrated on threat assessment, issues surrounding mental incompetency, information sharing, and mass incident preparation. Some of the Task Force's recommendations I support were aimed at changing the law. For example, the Task Force recommended states share all relevant information with the federal government so that it may perform gun background checks. A bill to do just that was proposed this session by Representative Gunderson and Senator Darling.

Other recommendations I support do not necessarily involve legal changes at the state level, but might be implemented by local officials. These include the recommendation that schools create, maintain, keep up-to-date, and practice incident response plans. The report also recommended that schools establish systems whereby disturbing behavior is reported to an individual or team with expertise in risk assessment. *Only by having all relevant information get to the right people can appropriate proactive responses be developed.*

And that brings me to the one recommendation involving legal change that I believe can have the greatest effect on school safety:

- **State and federal lawmakers should examine privacy laws in an effort to remove barriers to effective information sharing.**

Information sharing is a key public safety tool. The contrary, information silos, are rightly seen as major impediments to safety. In the school context, it is a lesson taught by Columbine, where confidentiality restrictions arguably impaired officials from sharing certain information with law enforcement about Dylan Klebold and Eric Harris before they took the lives of 13 innocent people. But when information *is* shared and incident response plans *are* executed, as at Green Bay East two years ago, mass violence can be averted, kids can be protected.

Increasing our ability to share information is a virtually no-cost common-sense way to make our schools safer. I was pleased to hear the Deputy State Superintendent of Public Instruction, Tony Evers, testify that DPI supports removing barriers to information-sharing. I believe this is indicative of broad agreement among educators, administrators, and public safety professionals that information silos should not interfere with safe schools.

Law should permit the sharing of information, at the very least, with those who have a need for that information to make informed decisions and undertake informed actions. In the school safety context, this means educators, administrators and law enforcement that are charged with protecting kids and the school community.

But our law does not live up to this simple standard.

Let me provide an example. I participate in the Milwaukee Homicide Review Commission, a forward-thinking multi-jurisdictional action team comprised of agencies at all levels of government. The Homicide Review Commission exists to develop long-term strategies for homicide reduction in Milwaukee. It was initially created by Mayor Tom Barrett, former Milwaukee Police Chief Nan Hegerty, and former Milwaukee County District Attorney Michael McCann. Hegerty and McCann's successors, Chief Flynn and District Attorney Chisholm, continue to be leading participants and strong supporters. Shortly after I took office and became aware of the Milwaukee Homicide Review Commission's goals, structure, and approach, I enthusiastically became a member. Other participants include federal agencies, such as the US Attorney's Office, other state agencies, such as the Department of Corrections, and other local agencies, such as the Milwaukee City Attorney's Office. And importantly, another participant is the Milwaukee Public Schools -- Public Safety Division.

The Commission examines each Milwaukee homicide to provide not only immediate investigative assistance, but to gather data to develop strategies for reducing homicide. This is accomplished primarily by extensive idea- and information-sharing among participants.

Sadly, many Milwaukee homicides have a nexus to Milwaukee Public Schools, because the victim, a witness, or a suspect attends or recently attended a public school, or has a gang-affiliation with a pupil or recent pupil. In many of these reviews, it is clear that school safety might be at risk. But as information is shared among law enforcement that could crack a case, by and large, MPS School Safety representatives must remain silent, only disclosing the most basic of directory information. To be sure, I believe that school officials having knowledge of particular investigations can use this knowledge to enhance school safety. But I also believe that information known to the school district that can not be shared with the Commission would help solve crimes – and protect schools, children, and communities.

They can't say more, in part, because of the law.

We are limited practically by federal law. Under the *Family Educational Rights and Privacy Act*, known as FERPA, the disclosure of school records that would allow professional agencies to assist schools with protecting kids is substantially regulated, and at times, prevented. If states don't follow FERPA and its regulation of information-sharing, they place at risk federal education dollars.

According to U.S. Department of Education Secretary Margaret Spellings, "FERPA is not intended to be an obstacle to school safety." To some degree, she is right. Critical records can be accessed at critical times. But put simply, there are some occasions where the federal law – and our dependency on federal education dollars – does not maximize our ability to minimize threats to school safety.

But while FERPA creates the minimum barriers to information-sharing, states can erect more impenetrable information silos. And in Wisconsin, to some degree, we have. Even where Wisconsin law, *properly* understood, would allow information sharing, the law is a patchwork of confusing and seemingly ambiguous permissions and commands. These messy provisions, which have accrued over time, have the effect of school districts incorrectly believing that they may not share information with law enforcement when they can. And, in practice, there are occasions where school districts may share information and they are aware that they may share it, but they choose not to do so.

If the only factor was school safety, school safety would be enhanced if school districts must share with law enforcement information that they may share. Mandatory disclosure of school records is already a well-recognized policy in certain circumstances. For example, the law requires school districts to share pupil records with the teachers they employ. And rightly so. Whether there should be additional areas requiring additional mandatory disclosure is a discussion worth having.

All is not wrong with the law, however. I want to make clear what can always be shared

with law enforcement. First, there is no restriction on sharing personal observation. State law regulates sharing of pupil *records*, and federal law, information gleaned solely from education records. Second, designated law enforcement units within schools – those individuals, offices, or divisions who exist to maintain physical security and safety – may keep records for law enforcement unit purposes and share those records with law enforcement. By designating law enforcement units and having them maintain appropriate records, information often most significant to law enforcement responding to or following up on a safety issue can be shared. This information can also be used to develop global safety strategies. ***I encourage all school districts to designate law enforcement units, direct law enforcement units to share records with law enforcement, and when appropriate, use school liaison officers.*** Third, federal and state law permit the disclosure of any pupil record in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual.

But there are places where it would be helpful to school safety – and the education purposes school safety serves – to change the law. We can't change federal law. But we can change Wisconsin law.

I think the simplest starting place is to make Wisconsin law no more restrictive than FERPA.

I have particular suggestions for the committee's consideration that relate to facilitating information sharing:

- ***First, repeal Sec 118.128.*** State law requires all pupil records to be made available to teachers and other designated school officials who have legitimate educational interests, including safety interests. At the same time, state law implies that school districts may *not* share with teachers or law enforcement units within schools information that a student is a physical risk to others, unless the school district has *reasonable* cause to believe, based only on past acts, that the student presents a risk of physically harming others. How these apparently conflicting commands are sorted out is a matter of some uncertainty. How can risks be assessed if information flow is so severely limited? ***The legislature should repeal sec. 118.128.*** Repealing this section removes an ambiguity and enables teachers and safety officials to have full information to serve kids and protect all students and teachers.
- ***Second, mechanisms for sharing pupil records with law enforcement should be simplified.*** Federal law permits the disclosure of a student's education records for juvenile justice system purposes prior to an adjudication concerning the student. Under state law, these disclosures take a variety of forms. Judges are entitled to progress records on request, such as transcripts and attendance records. Law enforcement and fire investigators are entitled to attendance records on request. Courts can order any pupil record to be provided to investigating law enforcement, and school districts must comply. State law even permits (but does not command) school districts to make available *any* record to *any* public officer, a provision in

the law that is too often overlooked or simply not used. And state law specifically permits school districts to enter into agreement with law enforcement officials to share pupil records as they relate to juvenile justice purposes. This last provision demonstrates the legislature's already existing policy preference for information-sharing with law enforcement. But the mechanism chosen – an interagency agreement – is cumbersome and may allow too much discretion. *A simpler, more effective information-sharing mechanism would require the release of pupil records to law enforcement agencies who make a request and certify it is for juvenile justice purposes.*

- *Third, school liaison officers should be defined as “school officials” for the purpose of record-sharing.* Understandably, the most expansive information-sharing permitted by law occurs within the school and within the school district. Simply put, teachers and other designated school officials serving kids' educational interests, including safety interests, can access records. The law doesn't say whether a school liaison officer is a “school official.” But as they are integral parts of the school education and safety community, I believe law should specify that, *with respect to Section 118.125, school liaison officers are “school officials” and permit them any access to records teachers can access.* It only makes sense. They are there help make schools safe, to make kids safe. They should have maximum information to help them do this.
- *Fourth, conform the state definition of directory data to federal law.* Oversimplifying a bit for the sake of understanding, directory data is defined by state law by listing the type of information one might find in a phone book or yearbook. It's the simplest record to disclose. Parents are told, usually at the start of a school year, what types of information constitute directory data, and if they don't object to releasing those types of information, it can be released. While state law is a simple list of category-types, federal law defines directory data as any information “that would not generally be considered harmful or an invasion of privacy if disclosed” and provides a non-exclusive list of category-types. *State law should be amended to mirror the federal definition of directory data.* This makes sense. If the purpose of confidentiality protections is to regulate information dissemination about that which one has a reasonable expectation of privacy, then the law shouldn't treat confidential things for which there is no reasonable expectation of privacy.
- *Fifth, I believe that legislators should seriously consider a mandatory reporting requirement to law enforcement of criminal activities occurring on school grounds.* In Texas, for example, the principal of a public or private school has a legal duty to notify law enforcement if there are reasonable grounds to believe that criminal activities are taking place or have taken place in school. The principal then must notify teachers who have regular contact with the pupils in question. Mandatory reporting is not foreign to Wisconsin. Today, school officials and teachers *must* report cases of abuse and neglect to authorities when there is reasonable cause to believe it has occurred or has been threatened. *At a minimum,*

I believe schools should be required to report to law enforcement crimes of violence or acts that constitute a felony when there are reasonable grounds to believe the crime has occurred or will occur on school grounds. This may even be expanded to all cases in which the victim of the crime is a student, whether or not the crime occurs at school.

- *Sixth, schools should get notification of legal proceedings when a student is tried as an adult.* Information sharing, of course, should go both ways. Importantly, state law permits law enforcement and the juvenile justice system to keep schools informed. Courts **must** notify schools whenever a delinquency petition is filed where the delinquent act would have been a felony if committed by an adult. Courts must also notify schools where a juvenile is adjudged a delinquent. This is a gap, however. When a juvenile who is a student is tried as an adult, or when the student is an adult, there is no mandatory notification to the schools regarding charges and verdicts. ***Schools should be informed of charges filed against their students and the resolution of the case.*** Prosecutors or victim/witness coordinators would likely be the place to put this responsibility.
- *Seventh, schools should not be compelled to notify students and guardians when they receive information from law enforcement.* Law enforcement may share certain information in its possession with the school the pupil attends. School districts are *required* by state law to notify the student and the student's parent or guardian of the student-specific information received from law enforcement. This is one mandatory disclosure that should be abolished because it may *deter* the sharing of information with schools. Consider this example. If law enforcement receives information of unknown credibility that a group of identified students are conspiring to bomb and shoot up a school in two weeks, law enforcement will want to share that information with school officials. For the safety of other kids, schools should know. And for the purposes of the investigation, schools may have useful information – which likely they can freely share under the emergency exception. And for safety and investigative purposes, law enforcement may **not** want the students to know yet that these claims are being investigated. Under existing law, strictly interpreted, school districts **must** tell students “upon receipt” of the information. This provision simply doesn't protect kids. Though notification is often the right thing to do, when it isn't, it can have terrible consequences. ***Section 118.127(1) should be repealed.***
- *Eighth, the confidentiality of records provisions should include a statement of purpose that Section 118.125 is not intended to be an obstacle to school safety. Law should also direct school boards not only to adopt regulations to maintain the confidentiality of records, as law currently does, but also to adopt regulations designed to facilitate information-sharing permitted by law.*

Conclusion

These are just some examples of practical suggestions that will not have a cost, but could *save lives*. The law charges schools with the responsibility of making records confidential; the law should better facilitate the sharing of information where safety is the issue. It's good for schools to do so. It's good for communities. And it's good for the kids schools serve everyday.

I hope that my remarks have helped to guide some of the discussion in this important area. Thank you once again for the opportunity to testify. Please let me know if I or my office can be of any assistance as you continue your study of these and other important school safety issues.



WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Great Schools
benefit
Everyone!*

To: Members of the Assembly Committee on Education
From: Wisconsin Education Association Council
Date: January 12, 2010
Re: Support for Senate Bill 154, relating to school bullying

The Wisconsin Education Association Council supports Senate Bill 154 which requires the Department of Public Instruction to develop a model school policy on bullying and requires school boards to adopt a policy on bullying, a 2009-10 WEAC Legislative Agenda item.

A working classroom is one where the learning environment is safe and supportive. Every kid deserves a great school, and bullying endangers the safety of pupils by creating a hostile environment that interferes with learning. Adopting an anti-bullying policy in every school district sends a clear message that bullying is against school rules and will not be tolerated. Implementing such a policy will foster an improved social climate and more positive attitudes towards schoolwork and school.

School bullying is a community issue. Through the involvement of educators, school authorities, parents and children, bullying can be addressed in a systematic, thoughtful and caring way with the school anti-bullying policy acting as a guide.

Wisconsin takes pride in great schools, and our state is recognized nationally for its safe schools. Schools and communities need to use comprehensive approaches to keep schools, students, and school staff safe. Adopting anti-bullying policies in all school districts is an important step in the process.

For all of these reasons, please support Senate Bill 154.

If you have any questions, contact Deb Sybell, WEAC Legislative Program Coordinator, at (608) 298-2327.

Mary Bell, President
Dan Burkhalter, Executive Director







Wisconsin State Fire Chiefs Association

Together We Can Make A Difference

800-375-5886

www.wsfca.com

Education • Prevention • Safety • Supression • EMS

DATE: January 12, 2010
TO: Assembly Committee on Education
FROM: Wisconsin State Fire Chiefs Association
RE: Senate Bill 154

The Wisconsin State Fire Chiefs Association appreciates the work that the Legislative Study Council on School Safety did on school safety. Senate Bill 154, which is a result of the Legislative Study Council on School Safety's work, is a very positive step forward in assuring that we have the safest learning environment for the children in the State of Wisconsin.

The Wisconsin State Fire Chiefs Association asks that the committee support SB 154. If you have any questions please contact Dave Bloom, Legislative Liaison, WI State Fire Chiefs Association at 608-444-3324.

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info@wsfca.com • www.wsfca.com



January 12, 2010

Wisconsin Assembly Education Committee

Re: SB154

Good afternoon,

I am Barbara Dorff, Director of Student Services for the Green Bay Area Public School District. I serve on the Wisconsin School Crisis Preparedness Committee and in the summer of 2009 I was part of a DPI work group to create a draft anti-bullying policy for the State of Wisconsin.

During the 2008-2009 school year there were 1126 written bullying and harassment referrals entered into our student management system. These 1100 plus referrals were only those that had risen to the level of requiring a formal referral to a school administrator. The number of incidents of bullying and harassment in our district that were handled by teachers, counselors, social workers and other school staff cannot be estimated fairly, but I do believe it's accurate to claim that those numbers at least meet the numbers of incidents actually documented by administration.

Senate Bill 154 directs the DPI to develop a model education and awareness program and the Green Bay Area Public School District currently uses the model program that DPI has developed for grades six through eight. In grades K-5 we use Second Step and the Tribes programs to develop and nurture the kind of respectful and safe learning environment that our students deserve. We teach children the importance of appreciating the uniqueness of each other, to value differences, to recognize the contributions made by all cultures and to treat one another decently.

Our standard message to children about how to treat one another asks that we all state appreciation for the qualities, gifts, skills and contributions they bring and to avoid negative remarks, name-calling, hurtful gestures and behaviors. We work with students to assist them in gaining social skills that result in impulse control and empathy, and we provide students opportunities to practice the model verbal and social interaction behaviors they need to successfully participate in classroom and community activities.

While we, in Green Bay, believe we have been taking an active role in addressing bullying through prevention and identification, and more importantly through establishing, maintaining and nurturing environments of respect, safety, and positive engagement, we know that our efforts do not reach all students, all staff and all members of our school community in the effective manner we would hope. Building a positive school culture is, we believe, the real antithesis to bullying, yet there must be clear, unambiguous language in policy regarding the definition and prohibition of behaviors that may interfere with any child's right to a safe and secure environment. Included with these remarks are two draft policies being considered in

Green Bay. These policies mirror the proposals outline in Senate Bill 154 and include a major section on cyber-bullying.

As the Director of Student Services for the Green Bay Area Public Schools, as a member of the State School Crisis Preparedness Committee, as an educator for more than thirty years, and as a mom, I offer my full support for the passage of Senate Bill 154.

School bullying is not "just kids' stuff" as some would have us believe. It is serious, it is pervasive, and it robs children of opportunities that are rightfully theirs. As educators, as public servants and as responsible adults in our communities we must take a firm stand on the problem of bullying and send two loud messages: First, that every school must be a safe and welcoming place of learning and caring for every child, and second, that bullying and harassment of any kind will not be tolerated.

Thank you for permitting me the opportunity to address this matter with you today.

A handwritten signature in cursive script that reads "Barbara Ann Dorff". The signature is written in black ink and is positioned above the printed name.

Barbara Ann Dorff

GREEN BAY AREA PUBLIC SCHOOL DISTRICT
Board Policy Manual

411.1

HARASSMENT AND/OR BULLYING OF STUDENTS

Harassment and/or bullying of students will not be tolerated in the Green Bay Area Public Schools, which includes any property or vehicles owned, leased or used by the schools. The School Board considers these actions to be detrimental to the health and safety of students, and disruptive to the educational environment.

The educational environment is defined as consisting of every activity under the supervision of each school. For purposes of this policy, harassment and/or bullying are defined as any conscious, willful, or deliberate act or attempted act, through the use of words or actions, which are intended to cause physical injury, emotional distress/suffering or property damage or which impact the learning environment.

Harassment and/or bullying could include acts motivated by, but not limited to, hostility toward the victim's real or perceived sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital status, sexual orientation, gender identity, social, socio-economic or family status, physical attributes, disability/handicap or any other basis protected by state or federal law. Examples of acts of harassment and/or bullying include physical intimidation, force or assault, humiliation, bigoted epithets, vandalism, extortion, oral or written threats, taunting, put downs, name calling, threatening looks or gestures, false accusations, social isolation, retaliating against another student for reporting harassment or bullying, or any other behavior that substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment.

All forms of harassment in cyberspace commonly referred to as cyber bullying are unacceptable and viewed as a violation of this policy. Cyber bullying includes but is not limited to the following misuses of technology: harassment, teasing, intimidating, threatening, or terrorizing another person or group of people by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs or any other messages via cyberspace. For purposes of this policy, "cyberspace" is defined as a global domain within the information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

In situations in which cyber bullying originated off school property or from a non-school computer or telecommunication device, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly impedes the day to day operations of a school. Such conduct includes, but is not limited to, harassment, bullying

or making a threat off school grounds through cyberspace that is intended to endanger the health, safety or property of others at school, a District employee or a school board member.

Any student who believes he/she has been subject to harassment and/or bullying may file a complaint in accordance with established complaint procedures or may complain directly to the building principal or designee or the District Equity Coordinator. Filing a complaint or otherwise reporting harassment and/or bullying in good faith will not reflect upon the individual's status nor will it affect his/her grades or benefits provided by the District. The District shall respect the confidentiality of both the complainant and the accused consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective and/or disciplinary action when this conduct has occurred.

Any student or parent/guardian who becomes aware of or witnesses harassment and/or bullying has an obligation to report and will be supported by involved staff members in reporting the bullying/harassment to the proper authorities. Any District employee who becomes aware of or witnesses harassment and/or bullying has an obligation to intervene and report.

Students who engage in harassment and/or bullying in violation of this policy and/or retaliating against an individual for reporting harassment and/or bullying shall be subject to school disciplinary measures consistent with District policies and procedures up to and including suspension and/or expulsion.

The Superintendent will develop administrative rules to implement this policy.

Notice of this policy will be circulated to all schools and departments in the District on an annual basis and incorporated in employee and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

LEGAL REF.: Sections 118.13 Wisconsin Statutes

120.13(1)

120.44

895.77(2)

947.0125

947.013

948.51(2)

PI 9, Wisconsin Administrative Code

Title IX, Education Amendments of 1972

Title VII, Civil Rights Act of 1964

Equal Employment Opportunities Commission Guidelines (29 C.F.R. –
Part 1604.11)

CROSS REF.: 411.1-Rule, Guidelines for Responding to Acts of Student Harassment
and/or Bullying
110, District Mission and Beliefs
363.2-Rule, Procedures for Acceptable and Unacceptable Computer Use
411, Equal Educational Opportunities
411-Rule, Student Discrimination Complaint Procedures
411.11, Sexual Harassment of Students
443, Student Conduct
443.2, Student Conduct on School Buses
443.7, Threatening, Aggressive or Violent Behavior by Students
443.8, Antisocial Association/Organization Activities
447.3, Student Suspensions
447.4, Student Expulsions
447.5, Disciplining Students with Disabilities
454, Child Abuse/Neglect Reporting
512, Harassment and/or Bullying of Employees
522.6, Staff-Student Relations and Staff-Minor Child Relations
723.6, Sex Offender Notification

APPROVED IN PART: February 25, 1985

REVISED: August 26, 1996
July 26, 2004
February 20, 2006

GREEN BAY AREA PUBLIC SCHOOL DISTRICT
Board Policy Manual

411.11

SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of students shall not be tolerated in the Green Bay Area Public School District. For purposes of this policy, "sexual harassment" means any verbal, nonverbal or physical, sexually-oriented conduct which creates an offensive, hostile or intimidating school environment or substantially interferes with a student's school performance.

Some examples of conduct which create such an environment or interference are as follows:

- **Verbal harassment:** This may include, but is not limited to, discussing sexual activity, commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "sexual jokes" or any other tasteless sexual-oriented comments, innuendoes, gestures or actions that may offend others.
- **Display of inappropriate gestures or sexually graphic or illicit materials:** This includes but is not limited to, photographs, drawings, movies, videos, websites, posters and so forth, regardless of their form.
- **Engaging in sexual activity in the presence of others:** This includes but is not limited to touching oneself or others in a sexually suggestive or sexually gratifying manner.
- **Request or demands for sexual favors:** This includes, but is not limited to, subtle or blatant expectations, pressures or requests for any type of sexual favor which may or may not be accompanied by an implied, stated promise of preferential treatment or threat of negative consequences.
- **Unwelcome physical contact:** This includes, but is not limited to, inappropriate touching, patting, pinching, hugging, intentionally brushing against another's body, pulling at another's clothing, or forcing another to a wall or corner through body position or movement.

Any student (or the parent/guardian of a student) who believes he/she has been subjected to sexual harassment by another student, school employee or other person, should report the incident in accordance with established complaint procedures. The complainant may report the alleged harassment to any principal, teacher, counselor, social worker or other District employee, who shall be responsible for forwarding the complaint to the District Equity Coordinator for review and action as necessary.

All sexual harassment complaints and allegations will be promptly investigated and processed objectively and in a timely manner. The District shall take prompt and effective action to end the harassment and prevent its recurrence. Individuals reporting incidents will be protected from

retaliation or reprisals, including, but not limited to, harassment escalation, unsatisfactory academic evaluation, threats, differences in academic treatment, sarcasm or unwanted comments to or by peers. Any individual who engages in sexual harassment or in retaliatory conduct against a complainant will be subject to disciplinary action.

The school or District shall also investigate a complaint of any behavior or situation that is or may be considered sexual harassment received indirectly from sources such as a member of the school staff or another student, a member of the educational or local community, or the media. Further, an anonymous notice of sexual harassment of students will be investigated to the best of the District's ability with information provided. It is not necessary that the incident or situation be reported to the school as "sexual harassment" for an investigation to begin.

If a school employee directly observes sexual harassment of a student, or is made aware of an incident, he/she is responsible for reporting the incident in accordance with established procedures.

Notice of this policy and the name of the District Equity Coordinator, will be circulated to all schools and departments in the District on an annual basis and incorporated in employee and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

LEGAL REF.: Section 118.13 Wisconsin Statutes
PI 9, Wisconsin Administrative Code
Title IX, Education Amendments of 1972

CROSS REF.: 411.11-Rule, General Guidelines for Reporting and Investigating Sexual
Harassment Complaints
363.2-Rule, Procedures for Acceptable and Unacceptable Computer Use
411, Equal Educational Opportunities
411-Rule, Student Discrimination Complaint Procedures
411.1, Harassment and/or Bullying of Students
447.3, Student Suspensions
447.4, Student Expulsions
447.5, Disciplining Students with Disabilities
454, Child Abuse/Neglect Reporting
512, Harassment and/or Bullying of Employees
522.6, Staff-Student Relations and Staff-Minor Child Relations
723.6, Sex Offender Notification

APPROVED:



Testimony in Support of SB 154

by

Jeffrey Spitzer-Resnick

Managing Attorney

January 12, 2010

As many of you know, Disability Rights Wisconsin (DRW) is Wisconsin's protection and advocacy agency for people with disabilities. In my position at DRW, I focus much of my attention on special education. It is with that experience that I am submitting this testimony regarding SB 154..

It is truly refreshing to see that the legislature is, once again, seriously considering doing something to prevent bullying in our schools. We are also pleased that the Senate passed this bill by a large majority because bullying is a very serious issue, and it is particularly serious for vulnerable students, many of whom have disabilities. Indeed, I have represented students who have been bullied to the point of considering suicide.

When this bill was first presented in the previous legislative session, DRW was supportive of the bill except for the part of the original bill which would have negatively impacted students in special education. I am pleased to report that SB 154, as drafted by the Joint Legislative Council, does not contain the offensive section, and therefore has our agency's support.

Since this bill also contains two other sections on School Safety and Pupil Records, I also want to note that although we do not object to those sections as drafted, we certainly hope that the legislature will work on both ends of the school to prison pipeline. While we understand the necessity of schools and juvenile justice authorities sharing information, we are troubled by the increasing use of law enforcement in school buildings to handle minor incidents that were once routinely handled by school officials. This has resulted in increasing the school to prison pipeline which not only burdens our juvenile justice system, but decreases the odds that students caught up in that system will obtain a quality education which will lead to a productive life after school.

There is currently a bill which will be introduced shortly by Rep. Pasch and Sen. Lassa that would increase the use of Positive Behavioral Interventions and Supports (PBIS) in Wisconsin schools, if passed. This bill would reduce the use of police in our schools by improving the behavior of students, which will also lead to improved academic performance. As soon as this bill is formally introduced, we look forward to the public hearing before this committee and the Senate Education Committee in order to move it towards passage.

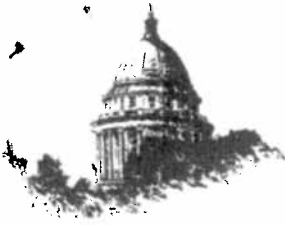
As always, if you have any questions for me about this bill, or any other education related matters, feel free to contact me.

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Protection and advocacy for people with disabilities.





Wisconsin State Senate
John Lehman
Senator – 21st District

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Testimony of Senator John Lehman
Senate Bill 154
Assembly Committee on Education
Tuesday, January 12, 2010

Thank you, Rep. Pope-Roberts and committee members for allowing me to testify in support of Senate Bill 154, relating to school safety.

I had the opportunity to chair the Joint Legislative Council Special Committee on School Safety. The Committee, comprised of Democrats and Republicans from both houses and members of the community with expertise in school safety, made several policy recommendations to the legislature. The proposals were developed with education stakeholders and in conjunction with Sen. Spencer Coggs (D-Milwaukee), Sen. Neal Kedzie (R- Elkhorn), and Attorney General J.B. Van Hollen.

Already passed in the state budget process are provisions to allow locally elected school boards who work with local law enforcement to make and pay for safety improvements in their schools. In addition, Senate Bill 154, which passed on a bipartisan vote of 29-3 in the State Senate, requires local school boards to develop specific safety plans, adopt policies to address bullying, and improve information sharing between local law enforcement and schools.

Specifically, the bill requires school districts to:

- Develop and maintain a comprehensive school safety plan. School boards should create the plan with input from appropriate parties, such as local law enforcement, fire fighters, and school personnel.
- Ensure the plan includes general guidelines for emergency prevention, preparedness, response, and recovery.
- Practice safety drills at least twice a year, and allows a safety drill to substitute another required drill.
- Adopt a model policy on bullying and distribute that policy to all students and their parents. A district may use the model policy on bullying as developed by DPI.

In addition, the bill allows for increased information-sharing between school districts and law enforcement for juvenile justice purposes. Under the bill, a school liaison officer could be granted access to pupil records by the school board. The school board would have the authority to adopt policies for disclosure of pupil records and information

permitted by law, while still requiring boards to adopt policies maintaining confidentiality of these records.

It's critical that when parents entrust their children's safety to our schools that the local board and law enforcement can work together and have the resources they need. This legislation offers a structure for locally elected school boards to make sure that job gets done in each community.

In the interest of improving school safety in our state I hope that the members of the Assembly Education Committee will support Senate Bill 154. Thank you for your consideration of this proposal.