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Details: Public Hearing - August 23, 2007

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Education (SC-Ed)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution)
 - (**ajr** = Assembly Joint Resolution)
 - (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

MB

Vote Record Committee on Education

Date: 10/19/2007

Moved by: Hansen Seconded by: Kreitlow

AB _____ SB 42 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator John Lehman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Pat Kreitlow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>2</u>	<u>0</u>	<u>0</u>



SB 42?

2005-11-29

Our Special Cassie

I am here for my daughter Cassie. She was a special person whose voice was silenced at the age of 15. I am now trying to be her voice by bringing attention to the dangers and brutality of bullying and teasing. We need to ensure that our children can go to school, participate in various activities and feel safe. I believe that we can develop enforceable policies and procedures that will provide school officials and parents with a clear process for ensuring our children's safety. Let me tell you a little bit about our special Cassie.

What makes someone special? When they care more about others than they care for themselves? When they want to make everyone happy? When they don't want to overly burden anyone? When they show love for every living creature? When they care about the environment and people throughout the world? When they have an unwavering belief in God and the good in people?

What makes someone vulnerable? When they care so much about others that they won't hold someone responsible for hurting them, but rather silently forgive them? When they put on a happy face even though they are crying inside? When they internalize pain to insulate others from possible pain? When you feel every living creature's pain? When they agonize over the world/human condition? When they put their entire life in God's hands and pray that things will work out?

Our daughter Cassie was all of the above. What made her so special is what made her vulnerable. It was clear to anyone who took the time to get past Cassie's initial shyness, that she was a special person. Her sense of wonder, glowing smile and radiant love were irrepressible. As such, she received all of the love and caring from her immediate, extended family and true friends that any human being could possibly receive. However, as a social being, she also needed to be accepted in this world by her "peers".

To Cassie, everyone was her peer. She was non-judgmental, tolerant and accepting of others. Unfortunately, some of her "peers" were much less tolerant and accepting of Cassie. These "peers" tormented Cassie with incessant teasing. She internalized this teasing and forgave her tormentors, never seeking help or sympathy from others.

She was hospitalized in the summer of 2004 for depression. We were unaware of the full extent of the teasing. After reviewing options with the doctors and Cassie, it was mutually decided to let Cassie enter 10th grade at the same high school she had attended 9th grade. Quite simply, we all felt that Cassie's special qualities would prevail and like Cassie, we believed in the good in people. In short, we simply couldn't comprehend anyone purposely and maliciously trying to harm our special Cassie.

Unfortunately, as we have now learned, Cassie's "peers" weren't such good people and the teasing continued. At a minimum, we now know the teasing began in 8th grade and continued until her untimely death on January 15, 2005, while in 10th grade at the age of 15. Incredibly, we still do not know the full extent of the teasing.

Parents and children are reluctant to discuss specifics, apparently afraid of reprisal. Instead they simply acknowledge that there was teasing. Presently, there is no readily apparent way to bring all of the interested parties together to gather facts. Indeed, it appears all of the initiative and the work must start with the parent. I can guarantee you, in the pain we were in we were in no condition to determine proper protocol and initiate an investigation. All we wanted was answers, but there was no clear process and no motivation for anyone to do anything.

No rational, civilized person can support bullying and teasing. It is a form of terrorism. We can argue about the merits of our country's anti-terrorism laws. They go too far, they don't go far enough. What is clear is that our government officials needed laws to help them fight terrorism. Likewise, Wisconsin needs laws to help our school officials and parents fight bullying and teasing.

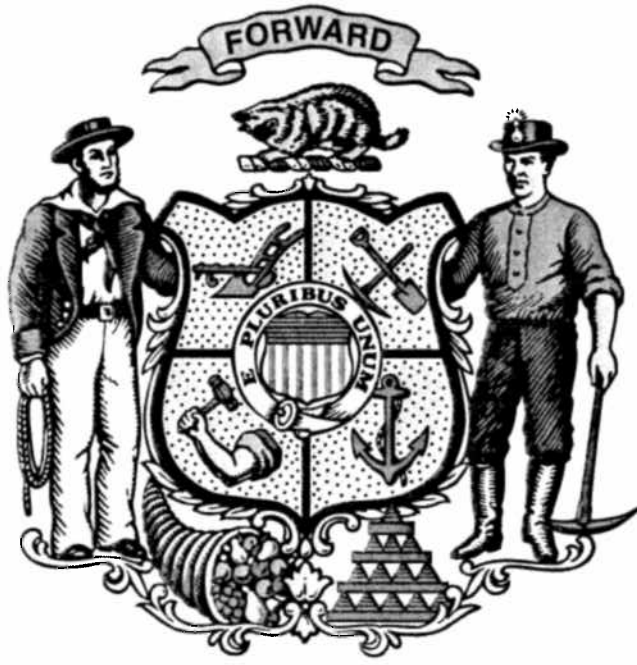
As stated earlier, special people like Cassie are vulnerable. Moreover, they are especially vulnerable during their teenage transition years. It is unclear what came first, the depression or the teasing. What is clear is that Cassie was a special person, who was teased by some very not so special people. By any measure, the teasing was at least a contributing factor to Cassie's depression.

There are many special children in this world. Their special qualities bring along vulnerabilities. We wouldn't change a thing about our special Cassie. What we would change is the teasing she and others have endured and provide better awareness and coping resources for depression.

Toward that end, we support the Bully Police's efforts to get individual state and national anti-bullying/teasing laws passed and NAMI (the National Alliance for the Mentally Ill). We must provide school administrators and faculty with the ability to protect our special children. Well balanced laws that protect our children have been passed in other states and there is no reason for Wisconsin to wait any longer. We must also remove the stigma associated with mental illness, so that it will be easier for children to come forward with their depression and to make insurance more available to families to help their special children.

To learn more about our Special Cassie, we invite you to visit her website at www.nami.org/memorial/gielecki.

Sincerely,
Rich and Stella Gielecki
November 29, 2005





State Senator
Neal J. Kedzie

11th Senate District

RECEIVED

MAY 02 2007

May 2, 2007

Senator John Lehman
Chair, Senate Committee on Education
Room 310 South, State Capitol
P.O. Box 7882
Madison, WI 53707

Dear Senator Lehman:

Please accept this letter as my formal request that Senate Bill 42 be scheduled for a public hearing.

Senate Bill 42 would require the Department of Public Instruction to develop a model school policy on bullying, as well as a model education and awareness program. The bill also requires school districts to adopt a policy regarding bullying and to distribute this policy to students and parents annually and upon an occurrence of a bullying incident. Schools districts are free to adopt the DPI model policy, modify the DPI policy, or craft one of their own. Finally, the bill specifies that the Wednesday of the 4th week of September is Bullying Awareness Day, and adds it to the list of special observance days that school districts may observe. Last session, this bill received broad bi-partisan support, and was recommended for passage by the Senate Committee on Education on a 6-1 vote, and passed the State Senate on a voice vote.

Through my research on this issue, I am convinced that bullying is more prevalent and more severe than ever before. As such, I believe our Legislation is necessary to help schools throughout Wisconsin combat this problem.

Thank you for your consideration of this request.

Sincerely,

Neal Kedzie
State Senator
11th Senate District



Dauscher, Sara

From: Stromme, Denise
Sent: Sunday, August 12, 2007 6:38 PM
To: Dauscher, Sara
Subject: FW: two bills
Follow Up Flag: Follow up
Flag Status: Red

From: Ronald Welch [mailto:RWelch@alghs.k12.wi.us]
Sent: Thursday, August 09, 2007 5:18 PM
To: Sen.Lehman
Cc: john.forester@wsaa.org
Subject: two bills

██████ requiring school policy on bullying is not needed. Every school district has some form of code of conduct policy that would not allow bullying. If you want to fix bullying, provide enough resources for schools to be able to address problem behaviors with caring adults. You are aware, I am sure, that many districts are cutting guidance counselors, school social workers, Principals and other staff because of budget issues. We do not need more directives to make policy so legislatures can feel good about "doing something" about bullying. We know how to fix it, give us the resources and we will fix it. This has unfunded mandate written all over it. None of us want bullying and none of us allow it-it unfortunately it happens and we will all continue to try and make it not happen-just like the police continue to try and make adult bullying like assault stop.

SB 242. I am against any kind of expansion of open enrollment. Open enrollment started on unequal terms and schools will be hurt even more by this type of expansion. If all schools had the same programs for all kids, then open enrollment would be fair. That was not the case when open enrollment started and it is not the case today. How are schools that started with less and lose students to open enrollment and lose state aid because of it, ever supposed to compete for the lost kids? Open enrollment needs more restrictions to keep kids in their home district and not more liberal rules to let them leave at unusual times like in the Auburndale situation. School board must govern as best they can and should not have the open enrollment gun held to their head as they try to do the best they can for their whole district.

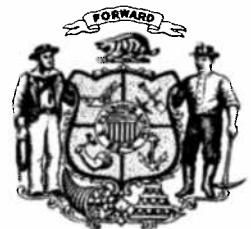
Thanks.

Ron Welch
Superintendent
Algoma School District
Phone: 920-487-7001 Ext 3403
Fax: 920-487-7016

8/13/2007



WISCONSIN STATE LEGISLATURE



Stromme, Denise

From: Theresa Erickson [ericksont@archmil.org]
Sent: Tuesday, August 21, 2007 2:52 PM
To: Sen. Lehman
Subject: Senate Bill 42

Attachments: Senate Bill 42.wps



Senate Bill 42.wps
(20 KB)

Below is a letter I hope you can use when you present Senate Bill 42 on Thursday. Again, I apologize I cannot attend. I have work meetings that day. (I also attached the letter)

Thanks!

Theresa Erickson
St. Joseph's School
1525 Erie Street
Racine, WI 53402
(262) 633-2403

Re: Senate Bill 42, requiring that school boards adopt a policy on bullying and establish "Bullying Awareness Day" in September.

Relational aggression is defined as behavior that is intended to hurt someone by harming their relationships with others. Examples of relational aggression can include exclusion, gossiping or rumor spreading, alliance building and cyberbullying.

In the United States alone, 160,000 children miss school each day due to fear of being tormented by classmates (National Education Association). Currently, The Ophelia Project's national relational aggression study now includes data for nearly 2,000 students across the country. Research demonstrates that 27%, or more than one in four students, do not feel emotionally safe at school, thus indicating the need for significant changes within our nation's schools and communities.

Surveys of 800 students who participated in The Ophelia Project's CASS: Creating A Safe School™ program during the 2004-2005 academic year revealed that students were less tolerant of relationally aggressive behaviors over time, and the top 25% of relationally aggressive students showed positive changes in reducing their relationally aggressive behaviors over time.

The National Ophelia website states, 'In the survey of 119 sixth graders, both girls' and boys' report of RA (relational aggression) victimization was related to their report of headaches, as well as trouble sleeping.'
(<http://www.opheliaproject.org>)

I was unaware of these facts last year as I started my first year teaching middle school at St. Joseph's School in Racine, WI. I soon found out how true the above was. As the days grew into quarters, I got to know the students in my room quite well and really clicked with them. The students opened up to me and before long, I learned about the ways the girls in my room were bullying each other. I was taken by surprise, I must admit. I had the same frame of thought that most do (I believe). I thought, "We were a private school, bullying isn't something that happens here." Well, it did, and does everywhere. Bullying is not afraid of your race, status, or gender. It inhabits all students, and yes, some choose not to participate, but others do. I feel that without education, this problem will continue to grow.

For me, as the third and fourth quarters came along, I decided to take matters into my own

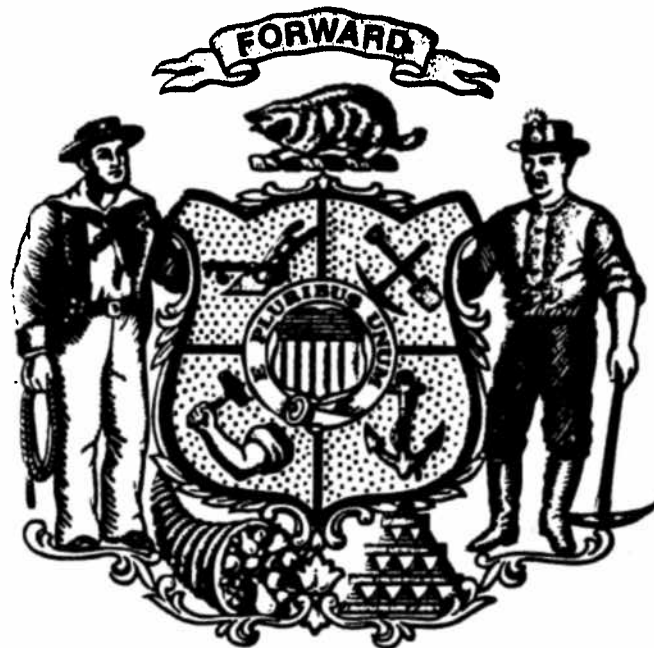
hands. The intervention that I was doing just wasn't working with my girls. I contacted the National Ophelia Project via email. I let them know about my feelings and how helpless I felt in my classroom. I got a response back, and it led me to Jane Finkenbine, the director of the Ophelia Project in Racine. She gave me great advice and I started the "Ophelia Project" elective at school. It is a mandatory elective for all of my 7th grade girls and we met once a week. We discuss how girls hurt and how girls help. I educate them not only through research and statistics, I also give them ways they can empower not only themselves, but each other.

Please take my experience into consideration when discussing Senate Bill 42, because without it, I feel we are really not meeting all the students needs. If they can't feel safe at school, where can they feel safe? It is our job as educators to educate students and empower them, not only with the subjects we teach, but with the positive power they hold within them as well. Without education, the problem will continue to grow.

Thank you!

Mrs. Theresa Erickson
7th Grade Teacher
St. Joseph's School
1525 Erie Street
Racine, WI 53402
(262)633-2403

Sent via the WebMail system at ext.archmil.org



SB 42?

August 21, 2007

Dear Senator Kedzie,

Thank you for the invite to the capital on Thursday, unfortunately I will not be able to join you. However, I would like you to say a few things on my behalf.

You see, I have a son that has been diagnosis with aspergers, which is a form of high functioning autism. Since it is high functioning, he is mainstreamed into the public school systems in Elkhorn, Wisconsin. Because he is high functioning, he receives no services from school and because he was born with this condition he receives no help from our insurance company. So here is a little boy, who has a condition, nobody wants to take responsibility for, and I as a parent am suppose to send him in their care for 7+ hours a day, 35+ hours a week. He is in the hands of a bus driver, a primary teacher, a teacher's aid, the art teacher, the music teacher, the physical education teacher, the guidance counselor, the reading teacher, the custodian, the lunch ladies, etc. My point is this...Wisconsin needs to establish a law about antibullying and make sure everyone who comes in contact with a child in the school is aware that there is a "no tolerance" to bullying. More importantly, they need to be able to recognize when a child is being bullied and have a plan ready when they see this happening, because it does happen everyday.

As I mentioned before, my son has aspergers. Aspergers affects my son's social skills as his ability to communicate. He will be going into 3rd grade this year and he has already been on the receiving end of being picked on, called names, and what a mother might considered being bullied. There have been many days it was a real struggle to get my son to go to school. Remember, he's only going into 3rd grade this fall. I should be fighting him to go to school in high school, not in kindergarten, 1st, and 2nd grades. The actions of these other children and the lack of action have hugely affected his self-esteem by the adults in his school. Our school states they have a no tolerance, they teach the children to "be nice", yet my son continues to come home with stories and I see no action to prove that they have a no tolerance policy in place.

I feel this bullying is only going to get worse unless the schools get involved and take charge. It is too bad we have gotten to this, however, if we don't, we will see more school "incidents."

Thank you for your time in listening to a parent with concerns. My son would benefit tremendously from this antibullying policy, You can change the outcome of one precious child life, think of how many more children would be affected by this policy.

Thank you,

Karla Eischeid
405 Sandy Lane
Elkhorn, WI 53121
262-723-4488



Stromme, Denise

From: Jane Finkenbine [jfinkenbine@yahoo.com]
Sent: Wednesday, August 22, 2007 4:34 AM
To: Sen.Lehman
Subject: Senate Bill 42
Attachments: The Ophelia Project of Southeast Wisconsin Promotional Flyer Updated 5.06.pdf

Dear Senator Lehman,

It has come to my attention through Theresa Erickson, and Ophelia Project of SE Wisconsin Advisory Board member, that the Senate Education Committee will hold a hearing on Senate Bill 42 this Thursday. I congratulate you and the other members of the committee for taking on this very important issue. As you know, each day in the United States alone, 160,000 children miss school for fear of being tormented by their peers (NEA). Additionally, new research shows a direct correlation between somatic complaints to school nurses and covert bullying (spreading rumors, name-calling, excluding, etc.). The US Secret Service has stated that in over 2/3 of school shootings, the shooters were students who had been bullied by their peers.

My daughter was the target of this covert form of aggression as a 5th grader. She did not want to go to school, and I watched her self-esteem disappear as her 2 best friends began excluding her and convincing other children to mistreat her. That is why I began the Ophelia Project in SE Wisconsin.

Senate Bill 42 is not only relevant, but vitally important to the children of Wisconsin.

This Fall, we will begin a pilot program called CASS (Creating A Safe School) at Dyer and Karcher Schools in Burlington. We are striving for long-term systemic change within these schools by:

1. conducting an assessment of the schools' social climates
2. proving all staff with training related to the 5 Critical Steps for Addressing Peer Aggression
3. proving parent information and programming so that the safe schools lessons can be reinforced at home
4. beginning a mentor program where BUSD High School students will spend time with small groups of children at Dyer and Karcher, helping them learn to treat each other with respect and civility
5. beginning a Bystander Awareness program that will teach children the importance of standing up and protecting each other.

I am attaching a fact sheet on peer aggression for your reference. It is very important that this bill contain the language of all 3 types of peer aggression, *physical, verbal and relational*.

Again, thank you for calling attention to this very important issue. I do not want any child or parent to go through what my daughter and I faced. It is my personal goal that SE Wisconsin schools become the model for the entire state by creating safe social climates for all youth.

Jane Finkenbine
 Director, The Ophelia Project of SE Wisconsin
 725 Lake Avenue
 Racine, Wisconsin 53403
 (262) 634-1994, ext. 253

a single voice a single act a world of difference

A single voice. A single act. A world of difference.

Our Mission

Founded as a catalyst for positive change within schools and communities, The Ophelia Project® is committed to helping youth form healthy peer relationships while creating safe social climates for all.

The Ophelia Project® was founded in 1997 as one community's decision to stand together in an effort to create safe social climates for youth. We believe that **every** community has the strength, wisdom, love and expertise to tackle relational aggression through awareness, education and advocacy.

Bullies, broken hearts...

and the harsh reality of relational aggression.

According to the National Education Association, in the United States alone, more than three million children miss school each year due to fear of being emotionally bullied by fellow classmates. This type of non-physical violence is called relational aggression (RA). Relational aggression is defined as behavior that is used to hurt someone by harming his or her relationships with others.

Often covert in nature, relational aggression can seemingly go unnoticed by teachers, parents and even fellow peers. Yet it is clear that the effects of RA can be lifelong and devastating.

Research shows that RA can lead to:

- | | |
|--------------------------------|-------------------------|
| ⇒ Depression | Substance abuse |
| ⇒ Risky sexual behavior | Lower GPA |
| ⇒ School-drop outs | Eating disorders |

⇒ **Children who endure emotional violence suffer both academically & socially.**

⇒ **Today's tech-savvy youth often use the Internet to spread hateful gossip while remaining virtually anonymous to their victims.**

⇒ **The majority of our schools have not addressed relational aggression in terms of policies, procedures and prevention efforts.**

Together...

We can change our social culture.

At The Ophelia Project®, we strive to create long-term change within our schools and communities. Yet stopping relational aggression on a national scale has become a monumental charge. It is local volunteers who can have the biggest impact, whether in schools, workplaces or around the dinner table.

Ophelia

Your passions and talents are needed!
Call today to find out how you can join this grassroots effort to create safe social climates in your community.

Jane Finkenbine, Director
The Ophelia Project® of Southeast Wisconsin
(262) 634-1994 ext. 253 * jfinken@ymcaracine.org





SUE JESKEWITZ

State Representative • 24th Assembly District

Senate Bill 42
Testimony before the Senate Committee on
Education
August 23, 2007

Chairman Lehman and members of the committee I appreciate the opportunity to submit testimony today on Senate Bill 42. Last session, I authored the Assembly version of this bill, and this session I am the Assembly lead of the Senate Bill.

Bullying has severely escalated from what most of us think of as normal childhood challenges. Some experts say it is because compared to twenty years ago, violence is more prevalent in the media and possibly in homes. Others say it can be attributed to our grade structure now; we used to have Kindergarten through eighth grade in a school, but now we have middle schools as well, so older children aren't around to support or protect the young ones. And bullying today involves much more severe physical and emotional mistreatment than most of us recall.

Regardless of the reasons, severe bullying is a growing crisis and frustrated teachers, students and parents are dealing with often dangerous situations, but have no solid policies or tools to enforce consequences. In this litigious society, teachers are limited in many ways in what they can do to enforce prohibitions. They simply don't have the latitude in discipline that was common years ago, and let's face it: many adults today are bullies themselves!

Terrorizing a student daily until she can't tolerate school or beating up a classmate out of sight of teachers are incidents that are only occasionally reported. Who knows how many missed school days, injuries, ulcers and decisions to drop out are caused by being bullied? Who knows how many of today's victims will become tomorrow's tormentors?

I know we cannot legislate responsibility. But sometimes we *can* legislate awareness, we *can* supply tools for addressing a situation, and we *can* help our teachers create an environment that makes bullying unacceptable for everyone.

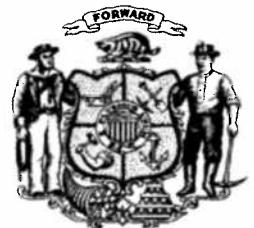
The Department of Public Instruction has been cooperative and helpful in creating this legislation, and I commend them for their dedication to safe schools. Working together, we can improve the learning climate of our schools.

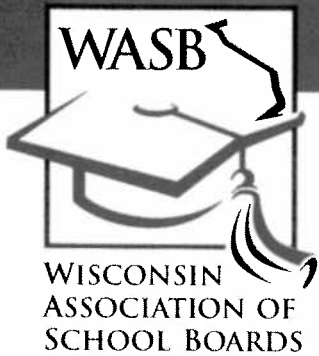
Let's facilitate a culture within our schools that enforces respectful behavior and helps teachers work with students who choose to engage in destructive behavior. No child deserves to be injured, intimidated, teased or ignored anywhere, especially in the classroom.

Thank you.



WISCONSIN STATE LEGISLATURE





122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • FAX: 608-257-8386

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

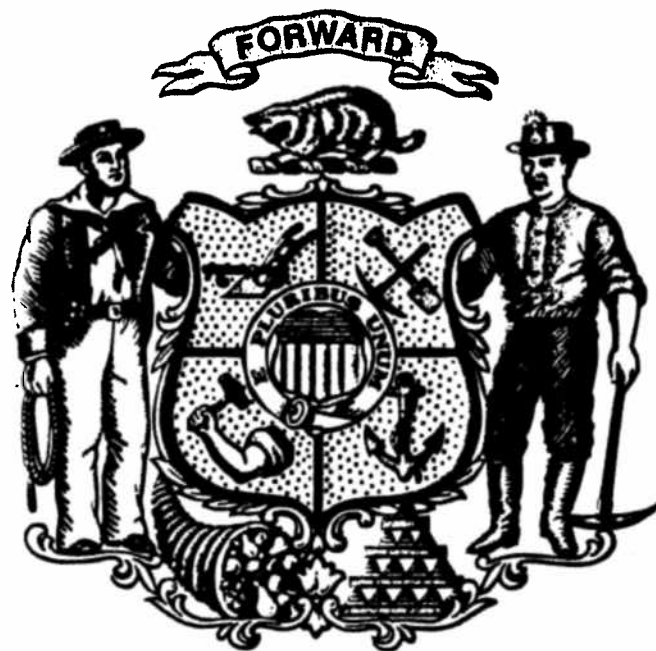
TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, Legislative Services Director
DATE: August 23, 2007
RE: **Senate Bill 42**, relating to school policies on bullying

Wisconsin school boards take bullying and its consequences seriously. A March 2007 Department of Public Instruction (DPI) publication indicates that over 400 public school districts have bullying policies in place. Local school boards have been responsive in adopting bullying policies and will continue to be responsive in addressing bullying issues.

The Wisconsin Association of School Boards (WASB) strongly supports local control and accountability resting with locally elected school boards. The WASB believes school district policies generally should be based on local community needs and values and should be established on a district-by-district basis. The WASB appreciates that Senate Bill 42 recognizes and maintains ultimate policy-making authority with locally elected school boards.

The WASB's policy services staff regularly provides policy guidance to local school boards and advises that districts adopt a comprehensive strategy for dealing with bullying that emphasizes bullying prevention and includes: communicating the policy regularly to students, parents, teachers and others; staff training on dealing with bullying and bullying prevention; education for students about bullying as well as protective behaviors; and a strong commitment to anti-bullying efforts by administrators with fair and consistent implementation. The WASB will continue working to strengthen local bullying policies.

The WASB and Wisconsin school boards are committed to addressing the serious challenges bullying presents. Please feel free to contact Dan Rossmiller (257-2622 or drossmiller@wasb.org) if you have any questions or if you need additional information.





State Senator

Neal J. Kedzie

11th Senate District

Testimony on Senate Bill 42
Senator Neal Kedzie
Senate Committee on Education
August 23, 2007

Chairman Lehman, members of the Committee, thank you for holding a public hearing today on Senate Bill 42. I would also like to thank Senator Coggs who is with me today, as well as Representative Jeskewitz and the Department of Public Instruction who have worked together with me on this legislation in a bi-partisan manner.

A serious problem is occurring within our schools today – bullying – and we believe the Legislature has an obligation to ensure this problem is being addressed. That is the intent of SB 42.

When I was first approached about this legislation, I had a number of questions that many of you might share today:

- Bullying has always existed, so what has changed to require this bill?
- Aren't schools already addressing this issue?
- What can we do as a legislature to address this issue?

Through our research, though, it is evident that bullying is more severe and more prevalent than ever before. It is no longer teasing and taking someone's lunch money, it has evolved into threatening words, physical violence, intimidating e-mails, slanderous text messages and even entire web pages built to torment innocent children. The level of sophistication and severity has increased. Children are calculated in what they do, and seek out vulnerable children and attack their vulnerabilities.

Consider the following statistics from a 2004 survey conducted by Fox 6 News in Milwaukee. More than 13,000 students and Teachers from 63 separate middle and high schools in southeastern Wisconsin were surveyed.

- 78 percent of teachers and counselors surveyed believe bullying is a problem at their school
- 52 percent of teachers and counselors believe that their school is not doing a good enough job in preventing bullying
- 29 percent of students say they have been bullied at or on their way to school

Office: 313 South, State Capitol • Post Office Box 7882 • Madison, Wisconsin 53707-7882
(608) 266-2635 • Fax: (608) 267-5172 • Toll-Free: 1 (800) 578-1457 • Sen.Kedzie@legis.state.wi.us
District: N7661 Highway 12 • Elkhorn, Wisconsin 53121 • (262) 742-2025

- 65 percent of students bullied said that a teacher or other member of the school staff did not try to help them when they were bullied

In addition, failure to address bullying opens school districts up to potential for a lawsuit. A federal jury in Kansas recently awarded a student \$250,000 because a school district failed to take the appropriate steps to stop bullying within their school.

We hope this legislation would be viewed not as a mandate, but as a cooperative effort, giving schools and teachers the tools they need to address incidents of bullying. To those schools that are already addressing this issue – keep up the good work, and continue what you are doing. But for those schools that may need more assistance, this legislation will provide guidance.

Thus, Senate Bill 42 will:

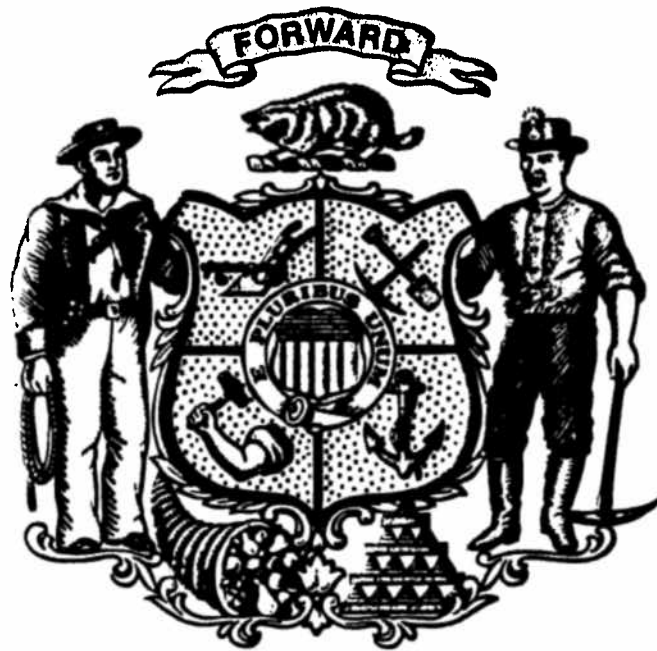
- Require the Department of Public Instruction to develop a model school policy on bullying, as well as a model education and awareness program. (Please know that in response to the legislation we introduced last session, as well as the growing severity of this problem, the Department has already proactively worked on these requirements, as will be discussed later by the Department.)
- Require school districts to adopt a policy regarding bullying and to distribute this policy to students and parents annually and upon an occurrence of a bullying incident. (Schools districts are free to adopt the DPI model policy, modify the DPI policy, or craft one of their own.)
- Specify that the Wednesday of the 4th week of September is Bullying Awareness Day, and add it to the list of special observance days that school districts may observe.

I would like to state for the record that this bill was not introduced to single out any specific school district, or imply that school officials aren't doing their job, or that it will remove local control. And contrary to what some may believe, this is not about creating a "Nanny State."

Senate Bill 42 will provide a line of defense to ensure a safe and healthy learning environment by giving our school districts the tools to effectively deal with the issue of bullying. Further, the bill is necessary to help schools deal with bullying problems, before they become criminal issues.

As you may recall, last session the Senate Education Committee voted 6-1 to recommend passage of Senate Bill 310, which was nearly identical to Senate Bill 42. The bill later passed the State Senate on a voice vote. Unfortunately, we were unable to get the bill passed by the State Assembly prior to the end of the session.

Thank you for your consideration of Senate Bill 42.





Date: August 23, 2007
To: Members of the Senate Education Committee
From: Shel Gross, ^MDirector of Public Policy
Re: SB42

Mental Health America of Wisconsin (MHA-formerly the Mental Health Association of Wisconsin) urges your support for SB42. The negative impacts of bullying are outlined in a fact sheet that I have attached to the copy of my testimony.

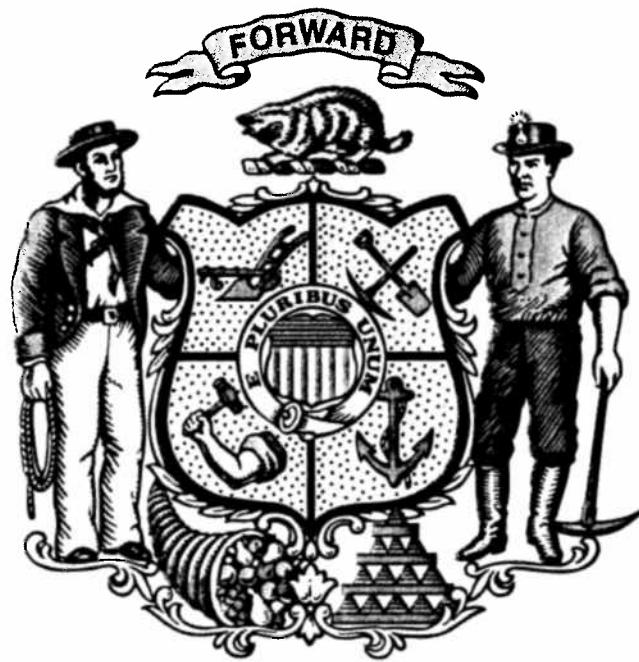
MHA's interest in addressing bullying stems in large part from the contribution of bullying towards depression, anxiety and suicide. Our concern is for both those who are bullied and those who do the bullying—both are at risk for negative outcomes. I have provided you with a copy of our Well Aware newsletter, which has been produced for school administrators as part of a federal suicide prevention grant administered by the MHA. This issue contains a story related to the impact of bullying as part of a focus on enhancing protective factors against suicide. We know that bullying is a huge issue for children who are already experiencing mental health disorders.

However, committee members should note that bullying also interferes with students' engagement with school, which makes the school's involvement in bullying prevention an integral part of their primary role of educating our children. If children are not present at school because of fears of being bullied, or if they are preoccupied with thinking about being bullied while in school they are unable to learn.

Good bullying prevention programs are also good child development programs because they can proactively seek to engage our youth in positive ways. While there needs to be disciplinary policies related to bullying, a comprehensive approach to bullying is not limited to discipline.

We are pleased to see bipartisan support for this bill and again urge you to support its passage.

www.mhawisconsin.org



WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Every kid
deserves a
Great School!*

To: Members of the Senate Committee on Education

From: Wisconsin Education Association Council

Date: August 23, 2007

Re: SB 42 Relating to School Policies on Bullying

Support SB 42 Relating to School Policies on Bullying

A working classroom is one in which students are safe and healthy. The Wisconsin Education Association Council supports Senate Bill 42 directing schools to provide instruction in anti-bullying behavior. WEAC has sought legislation to implement anti-bullying curriculum in schools as well as programs to promote peer mediation, both of which have been part of WEAC's Legislative Agenda since 2000.

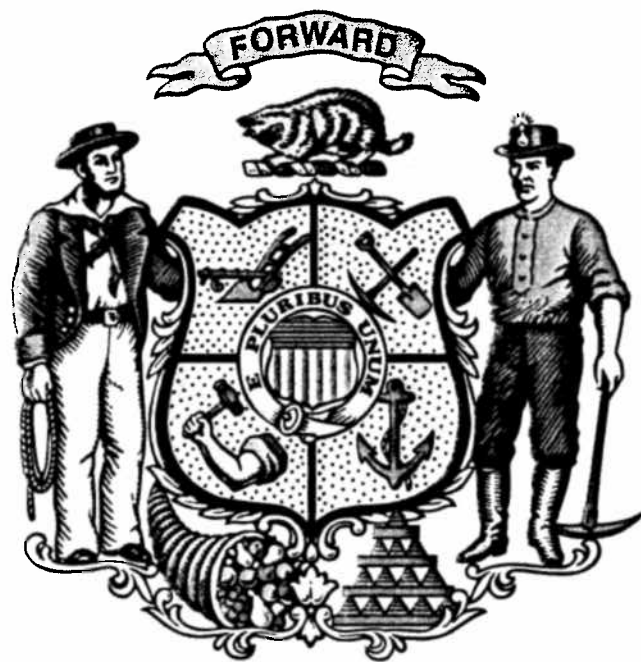
The National Education Association has reported that bullying behavior is a major concern of schools throughout the United States. WEAC believes that anti-bullying programs should be implemented in every school in Wisconsin. Instruction to prevent bullying will promote positive and caring relationships among students, staff, parents and communities as well as raise awareness of the problem and promote a sense of belonging and acceptance in students. Wisconsin is recognized nationally for its safe schools. Schools and communities, however, need to use comprehensive approaches including anti-bullying instruction to keep schools, students, and school staff safe,

For more information:

If you have any comments or questions regarding this statement, please contact Michael Walsh, WEAC Government Relations Specialist, at 800-362-8034 or 276-7711 or at walshm@weac.org.

Mary Bell, President
Dan Burkhalter, Executive Director





Sen. Spencer Coggs
Comments on SB 42
Sen. Committee on Education
State Capitol – Rm. 201SE

Aug. 23, 2007

Thank you, Mr. Chair, members of the committee and my fellow colleagues who are offering this worthwhile legislation.

A lot can be said about this topic. I think everyone has, at one time or another, known a bully, and perhaps has been a victim.

As we grow older, perhaps time and distance remove the sting and humiliation of bullying that many young people experience.

And then, perhaps, there are those who dismiss the problem lightly preferring to think of the stereotypical and buffoonish playground bully, who is easily thwarted.

We know that's not the case. The problem is all too real – and so are the consequences.

Our focus today, and rightly so, is on bullying in school, where, I believe, bullies get their start.

As you may know, we are here today in large part because of the revealing investigative TV news reports broadcast in 2005 on Fox News 6 in Milwaukee.

Viewers saw shocking instances where bullying occurred .. and it went beyond simple schoolyard pranks and teasing.

It is disturbing to see that there is a pathology to these incidents. First one boy bullies someone. Then another boy joins in. Then another and another.

They push, they hit, then they kick, and then knock down, and jump on this one boy in a sickening escalation of brutality.

As one who has seen the series of reports, it is difficult to watch. But it's necessary for us to believe that such things take place... in our own backyard.

As this continues – and it goes on at length - you wonder: Why doesn't somebody step in? Where are the adults? Where are the playground supervisors?

And then there is the heart-wrenching reaction of this boy's mother, who suffers the torment and anguish of seeing her young son so thoroughly abused.

The shock and surprise of the brutality is sobering and gut wrenching and it's as if you can see the mother's heart break right before your eyes.

Then comes the outrage, as the TV camera turns to figures of authority standing on the playground and those who were interviewed after the incident.

The indifference ... the lack of empathy, the almost casual dismissal of the problem is galling.

After this legislation was announced, I received numerous calls from parents and teachers who support this bill.

And they quickly hit upon the essential fact in this legislation: This bill *requires* bullying to be reported and investigated.

Too often, these parents and teachers say, bullying gets swept under the carpet.

When bullying is ignored we all lose, the consequences can be tragic and all-encompassing: To ignore a bully is to, in effect, reward that behavior, and the bully's actions grow worse and worse.

This is confirmed by reformed bullies, who describe their actions as a consuming addiction to power and control.

To those who witness bullying .. they too, in a sense, are victims because they experience a sense of failure, of inadequacy.

They hide in the crowd .. glad it wasn't them.
They felt they should have done something that they should have helped.

Finally ... for the victims of bullying ... the effects can be paralyzing .. or they can lead to outbursts of catastrophic anger.

I urge you please to act in the affirmative on this bill.

In effect - if we don't move firmly and forcefully - bullying makes cowards of us all.

Thank you.



Stromme, Denise

From: Jo Pelishek [jopel.wft@chibardun.net]
Sent: Friday, August 24, 2007 10:51 AM
To: Sen. Lehman
Cc: Hubler, Mary; Sen. Jauch; 'Hugh Davis'; Rickp; Jackie Baldwin
Subject: Bullying Bill SB42

Senate Education Committee
Senator Lehman, Chair

Dear Senator Lehman,

I am writing this in support of the "Bully Bill" SB42. Bullying has become a huge issue recently, affecting many children and families, including my own. During the past 1-1/2 years my son missed high school a total of nearly four months because of ridicule. He has some cognitive delays and sadly was unable to explain the seriousness – but rather experienced severe stomach problems as a result of anxiety over the ongoing episodes. By the time we finally determined the source of his stomach pain (after numerous tests and procedures showed nothing), he was lethargic, unable to eat or go into public places, and had to be hospitalized. He continues to live with residual effects of his bullying.

As an advocate for Wisconsin Family Ties, I am aware that many other children also experience bullying. It is critical that policies are in place and enforced in our schools, so that children can be assured a safe and stable environment in which to learn.

Thank you.

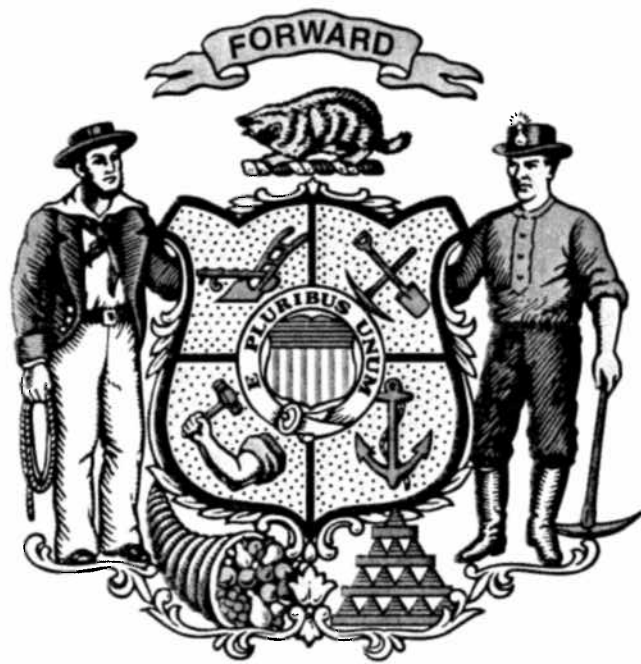
Sincerely,

Jo Pelishek

Jodi Pelishek, Parent &
Family Advocate, Barron County
Wisconsin Family Ties
(715) 790-1317
jopel.wft@chibardun.net

*Send letter of
thanks.
Tell that this is
in our record.
(forward to
members
with last one?)*

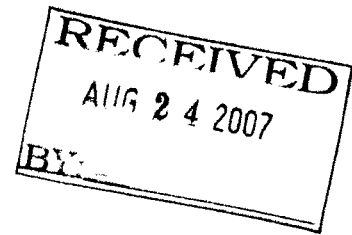






State Senator
Neal J. Kedzie
11th Senate District

→ Sara



August 24, 2007

Senator John Lehman
Chair, Senate Committee on Education
Room 310 South, State Capitol
P.O. Box 7882
Madison, WI 53707

Dear Senator Lehman:

Just a short note to thank you for holding a public hearing on Senate Bill 42, relating to school policies on bullying. I appreciate your willingness to consider this legislation.

Bullying is a growing problem in our schools and I believe the Legislature must take steps to address it. Senate Bill 42 is an important piece of legislation for me, Representative Sue Jeskewitz, Senator Spencer Coggs, and our respective constituents whose lives have been dramatically affected by this issue.

If I can provide you with any additional information on the bill, or answer any questions you may have, please feel free to contact me. Again, thank you for your consideration of the bill.

Sincerely,

Neal Kedzie
State Senator
11th Senate District





PO Box 1327 • Madison WI 53701-1327
608-268-5074 (Madison) • 866-849-2536 (toll-free) • 608-256-3370 (fax)
Email: info@wisconsinfamilyaction.org
Web site: www.wisconsinfamilyaction.org

LEGISLATIVE MEMORANDUM

To: Members of the Wisconsin State Legislature
From: Julaine K. Appling, President
Date: August 29, 2007
Re: Senate Bill 42, "Bullying Prevention Bill"

Wisconsin Family Action, the legislative action arm of Wisconsin Family Council, is opposed to the proposed "Bullying Prevention Bill," Senate Bill 42 (SB 42). We encourage you not to support it in committee or on a floor vote.

As drafted, SB 42 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 SB 42 for the following reasons:

1) *SB 42 is unnecessary.*

Although SB 42 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 42 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 42 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 42 could have unintended consequences*

SB 42 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. This past March DPI released *Bully Prevention Policy Guidelines* in anticipation that SB 42 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 the 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 42 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 42 is a shift away from local control.

Wisconsin Family Action concurs with the Wisconsin Association of School Boards (WASB) in its recent opinion regarding this bill. WASB has stated that it is opposed to SB 42 because not only do many school districts already have policies in place against bullying, but also the legislation is a move from local control toward centralization under the state. To view the entire opinion of the Wisconsin Association of School Boards, please visit the following website:

[http://www.wasb.org/cms/images/stories/PDFs/legislative/SB_42_Testimony_\(Sen_%20Ed_Cmte\).pdf](http://www.wasb.org/cms/images/stories/PDFs/legislative/SB_42_Testimony_(Sen_%20Ed_Cmte).pdf)

Although SB 42 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 bully policy and participate in a "Bully Awareness Day." This bill is also a shift away from local control because 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

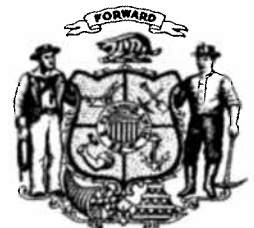
Wisconsin Family Action urges you to oppose SB 42, the "Bullying Prevention" bill. To clarify, we are not opposed to rules and policies that punish bullies, but we do believe that SB 42 is unnecessary for the protection of our children from the school bully. School districts already have policies and rules in place that deal with the problem of bullying, and it is unnecessary to centralize control in the area and promote a broad definition of bullying that might restrict school administrators from a student's right to voice his or her beliefs.

If you have any questions or would like further information, please don't hesitate to contact me. Thank you for your serious consideration of this important material.

JKA



WISCONSIN STATE LEGISLATURE



Stromme, Denise

From: Jackie Baldwin [jackiebaldwin@verizon.net]
Sent: Friday, August 31, 2007 11:00 AM
To: Phillips, Matt
Cc: Sen.Lehman; Sen.Kedzie
Subject: Bully Bill SB42

Hi Matt,

I am Jackie Baldwin, Chair of the Children & Youth Committee of the Wisconsin Council on Mental Health.

We have been following and supporting SB42, the Bully Bill, which had a public hearing last week. I was unable to attend, however, did send an email in support of the bill.

I also am employed by Wisconsin Family Ties as a Family Advocate in Northern Wisconsin. Wisconsin Family Ties publishes a newsletter which is due to come out in October with a deadline of next week for articles and information.

Could you please update me on the status of this bill and if there are any additional ways in which families in Wisconsin can show their support? If there has been a vote, could you tell me how I can find out the results or when a vote may take place?

If you are not the appropriate person to contact for this information, please forward or give me some guidance on where to go for the information.

Thanks so much!

Jackie Baldwin, Chair, Children & Youth Committee and
Vice-Chair of the Wisconsin Council on Mental Health
Family Advocate
Wisconsin Family Ties

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