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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) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

MB



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR JOHN W. LEHMAN
FROM: Russ Whitesel, *RW* Senior Staff Attorney
RE: 2007 Senate Bill 42, Relating to School Policies on Bullying
DATE: September 10, 2007

This legislation directs the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils. The policy is required to define bullying, prohibit pupils from bullying, describe where and the circumstances in which the prohibition applies, and provide penalties for bullying. The policy must also include procedures for reporting bullying and for investigating such reports. The bill directs DPI to develop a model education and awareness program on bullying.

Senate Bill 42 directs each school board to adopt a policy prohibiting bullying by pupils. The school board may adopt DPI's model policy or develop one of their own. Once each year, the school board must distribute the policy to all pupils enrolled in the school district and to their parents. With certain exceptions, upon the occurrence of a bullying incident, the school board must distribute the policy to all pupils involved in the incident and to their parents.

Senate Bill 42 also adds Wednesday of the fourth week in September, bullying awareness day, to the list of special observance days for schools.

This memorandum summarizes a series of issues that have been raised regarding the legislation.

1. The legislation amends the current requirement regarding a "code of classroom conduct" to refer instead to a "code of conduct." The relationship between the prior classroom code of conduct and the current code of conduct is not clear. For example, in SECTION 2 of the bill, s. 118.164 (2), as amended, would allow a teacher to remove a pupil from the teacher's class if the pupil violates the code of conduct rather than the code of classroom conduct.

2. In the same paragraph as noted above, issues have been raised regarding the application of the removal power of a teacher to the limitations contained in federal law regarding special education students. It should be noted that the bill does not modify the current requirement that any removal be done subject to the federal law relating to special education students contained in 20 U.S.C. s. 1415 (k).

3. The legislation requires a policy to be adopted regarding bullying but no definition of the term is provided in the bill. While the bill authorizes the department to adopt such a definition, each school is permitted to adopt their own definition of the term.

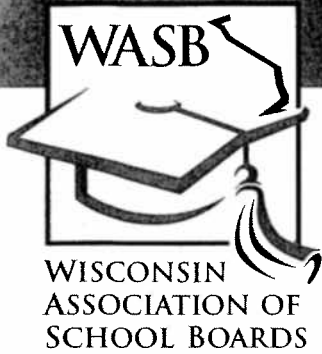
4. The legislation requires that each school board requires, in s. 118.46 (2), Stats., that each school board adopt and include in its code of conduct a policy prohibiting bullying by pupils and to adopt such a code by August 15, 2008. This section also requires that the school board provide a copy of the policy separate from its code of conduct, to all pupils enrolled in the school district and to their parents or guardians on an annual basis. The legislation is not clear as to how the addition to the current code is to be handled nor clear on how the "separate" distribution of the policy is to be managed.

5. The current rules adopted by schools under their general code of classroom conduct or general conduct rules may include certain requirements for notice of violations to be given to pupils and parents. The legislation would specify that the bullying policy be provided to each pupil involved in an incident and to the parent or guardian unless the pupil was involved in a bullying incident during the current semester and the pupil and his or her parent or guardian received a copy of the policy at that time. This aspect of the legislation may not be consistent with the other incidents that are subject to the code of conduct.

If you have any questions regarding this matter, please feel free to contact me directly at the Legislative Council staff offices.

RW:jal





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

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Senator Neil Kedzie and Senator G. Spencer Coggs
FROM: Dan Rossmiller, WASB Legislative Services Director
DATE: September 10, 2007
RE: WASB Concerns about Senate Bill 42

The WASB has reviewed the testimony regarding Senate Bill 42. The WASB shares a concern that removing the word “classroom” from s. 118.164(2) and s. 120.13 (1) (a), Stats., is unnecessary to accomplish the purposes of the bill and may have unintended consequences.

Background

1997 Wisconsin Act 335 required each school board to adopt a code of classroom conduct prior to the 1999-2000 school year. The code of classroom conduct is required to be developed in consultation with a committee of district residents consisting of parents, students, school board members, school administrators, teachers, pupil services professionals and other district residents appointed by the school board.

By statute, the code of classroom conduct must include at least all of the following:

1. The specific reasons for removing a student from class (i.e., it must specify what constitutes dangerous, disruptive, or unruly behavior or behavior that interferes with the ability of a teacher to teach effectively);
2. Procedures for determining the appropriate educational placement of a student who has been removed from a class and assigned a placement by the building principal or designee; and
3. A procedure for notifying the parent/guardian of a minor student who has been removed from class.

“Removal” of a student from a classroom is not the same as “discipline.”

“Removal” is done to preserve the ability of a teacher to teach effectively and to preserve the classroom learning environment. It involves sending the student to the principal (or the principal’s designee) and immediately notifying the principal (or the principal’s designee).

“Discipline” may include measures such as detention, suspension or expulsion, which remove the student from the student population, school or district. A student who is removed from a classroom for violating the code of classroom conduct may also be disciplined for his or her actions.

Since the 1999-2000 school year, a statutory framework authorizes teachers to remove students from the teacher’s class for reasons specified in a code of classroom conduct adopted by the school board. This statutory framework also requires principals to place students removed from a classroom in accordance with state law (i.e., in an alternative education program as defined by state law, in another class in the school or another appropriate place in the school, in another instructional setting, or in the classroom from which the student was removed.).

The removal statute was narrowly crafted to allow only licensed staff to remove a student from that staff’s classroom and only for reasons that related to the classroom learning environment.

Currently, districts have in place a specific code of classroom conduct as well as many other student conduct codes, rules and policies, which typically cover topics such as student behavior expectations, athletic codes of conduct, student dress, weapons, alcohol and other drugs, electronic devices, care of school property, threats/assaults, harassment, abusive behavior/language, gang-related activities, and safe and healthful facilities.

The WASB’s Specific Concerns

By removing the word “classroom” from ss. 118.164 (2) and 120.13(1) (a), Stats., the bill arguably directs school boards to adopt a code of conduct governing much more than the circumstances under which a student may be removed. If so, instead of focusing on the bullying policies, as the bill intends, each school board could find itself under a broader mandate to review the district’s other rules, policies and codes.

Such a directive should be debated more fully and should not be made in a bill intended primarily to require districts to adopt and distribute bullying policies. The WASB supports local control and believes it is far more constructive to allow local officials to determine what behaviors are grounds for removal, rather than to dictate that they adopt a single, all encompassing code.

The real heart of SB 42 is to require each school district to adopt a policy prohibiting bullying and to require that these bullying policies be distributed to students and to their parents once each year and, upon the occurrence of a bullying incident to all pupils involved and their parents. This can be accomplished without making the changes found in Section 2 and Section 4 of the bill. Any reference to a “code of conduct” seems to make this bill more complicated than it needs to be.

Please feel free to contact Dan Rossmiller, WASB Legislative Services Director, at 608-257-2622 or drossmiller@wasb.org if you have any questions regarding this memo or if you need additional information.





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATORS JOHN LEHMAN, NEAL KEDZIE, AND SPENCER COGGS
FROM: Russ Whitesel, Senior Staff Attorney
RE: 2007 Senate Bill 42, Relating to School Policies on Bullying
DATE: September 28, 2007

This memorandum describes the provisions of 2007 Senate Bill 42 and also the changes to that bill contained in Senate Substitute Amendment __ (LRBs0138/1) to 2007 Senate Bill 42.

Senate Bill 42

2007 Senate Bill 42 directs the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils. The policy is required to define bullying, prohibit pupils from bullying, describe where and the circumstances in which the prohibition applies, and provide penalties for bullying. The policy must also include procedures for reporting bullying and for investigating such reports. The bill directs DPI to develop a model education and awareness program on bullying.

Senate Bill 42 directs each school board to adopt and include in its code of conduct a policy prohibiting bullying by pupils by August 15, 2008. The school board may adopt DPI's model policy or develop one of their own.

Senate Bill 42 also adds Wednesday of the fourth week in September, bullying awareness day, to the list of special observance days for schools. Senate Bill 42 amends the current statutory requirement regarding a "code of classroom conduct" to refer instead to "code of conduct."

In addition, the legislation as originally drafted, requires that the school board provide a copy of the policy separate from its code of conduct, to all pupils enrolled in the school district and to their parents or guardians on an annual basis. Senate Bill 42 also specifies that the bullying policy be provided to each pupil involved in an incident and to the parent or guardian of that pupil unless the pupil is involved in a bullying incident during the current semester and the pupil and his or her parent or guardian received a copy of the policy at that time.

Provisions of Senate Substitute Amendment

The substitute amendment does the following:

1. Retains the requirements that DPI develop a model school policy on bullying with the varying components specified in the statutes.
2. Retains the provision directing each school board to adopt a policy by August 15, 2008 prohibiting bullying by pupils. The substitute amendment retains the option for a school board to adopt DPI's model policy or develop one of their own. Under the substitute amendment, this policy must be distributed annually to all pupils enrolled in the school district and their parents or guardians.

However, the substitute amendment does not require the policy prohibiting bullying by pupils to be incorporated into a school code of conduct. A school board may decide to incorporate the policy if they so desire.

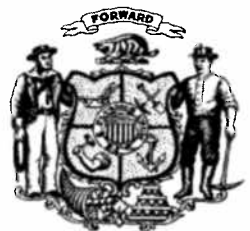
3. Retains the addition of a bullying awareness day to the list of special observance days for schools.
4. Deletes changes to existing law related to the "code of classroom conduct" from the bill. The effect is to retain current law with regard to the code of classroom conduct and the authority of a teacher to remove a pupil who violates the code of classroom conduct from his or her classroom.
5. The substitute amendment requires that the bullying policy be distributed annually to pupils and parents but does not require this is to be done in connection with any distribution of a general school code of conduct.
6. The substitute amendment deletes the provision in the original legislation which would have required that the bullying policy be distributed to each pupil involved in a bullying incident and to their parents.

If you have any questions regarding this legislation, please feel free to contact me directly at the Legislative Council staff offices.

RW:ksm



WISCONSIN STATE LEGISLATURE



Date?

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.*'¹

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

¹ <http://www.opheliaproject.org>

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



Date ?

TESTIMONY REGARDING SB 42

by

Jeffrey Spitzer-Resnick
Managing Attorney

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 42.

It is truly refreshing to see that the legislature is, once again, seriously considering doing something to prevent bullying in our schools. 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.

Accordingly, DRW supports all of the anti-bullying provisions contained in this bill, except for the one found in Section 2 of the bill, which expands the ability of teachers to remove children from their classrooms. DRW has always opposed allowing school teachers to remove children from their classrooms in an unfettered manner. While they may have good reason to do so, and bullying may be a good reason, they may also choose to do so arbitrarily. Accordingly, discipline of students should remain with school administration.

Moreover, this bill will expand the power of teaching staff to violate a child with a disability's Individualized Education Plan (IEP), which may have a Behavior Intervention Plan (BIP) that calls for specific responses to inappropriate behavior, which have been agreed upon by the child's IEP team, which includes the child's parents. Thus, passage of this bill could easily result in denying a child with a disability his or her right to a free appropriate public education (FAPE) as guaranteed by both state and federal law.

School districts should be very concerned about the ability of a teacher to violate a child's IEP, and thereby expose the school district to legal liability for doing so.

Accordingly, DRW supports SB 42 if Section 2 is deleted from the bill.



Devoted To:

- Improving academics
- Detering violence
- Fostering resiliency
- Enhancing coping skills
- Reducing risk
- Preventing suicide

Boosting resiliency [protective factors in schools]

When it comes to resiliency, some students just seem to fare better than others. There are youngsters who bounce back readily from tough times. They appear hardy and quick to recover from adversity. These students are buoyant and self-reliant.

Then there are other students, those more prone to angst. They may be stressed easily and overwhelmed by circumstances that more resilient students often brush off. Poor academic outcomes for these stressed youngsters aren't the only obstacle they face.

These at-risk students can be prone to self-destructive behaviors and be vulnerable to negative things in their environment—bullying, cutting, binge drinking and drug use, promiscuity, and violence against others or suicide.

Protecting youngsters from suicide is not only about recognizing those at risk and intervening reactively to dissuade them from self-harm. Effective youth suicide prevention is much more comprehensive because it promotes positive behaviors that can reduce the likelihood that a vulnerable child will become suicidal.

Schools play a central role in fostering resiliency and protective factors, shown to be a key to student success—academic and beyond. As administrators, you can lay the foundation for a school culture where children feel a sense of belonging and connectedness. You can put practices in place that influence student behavior and boost outcomes. And you can encourage development of protective factors that indeed boost social and academic competence.



STRENGTHENING RESILIENCY IN YOUR STUDENTS

Feedback from a national expert in protective factors for suicide prevention



John Kalafat, PhD
Curriculum Expert
kalafat@rci.rutgers.edu

As administrators, you know well that if students are stressed and not feeling safe, academics suffer. The good news? Noteworthy programs for suicide prevention in schools can help. Among these is the Lifelines™ program. A curriculum targeting students ages 12-17, Lifelines teaches warning signs for suicide, how to respond to a suicidal peer and help-seeking behaviors. A new CDC-funded study of Lifelines shows it increases teens' confidence in a school's ability to respond to at-risk kids. These findings are key, as enhancing students' trust in school staff may help break the culture of silence that isolates students at risk from adults who can help them. As a 30-year researcher and developer of curricula for at-risk students, I commend the Wisconsin Department of Public Instruction and Mental Health Association of Wisconsin in collaborating on this *Well Aware* newsletter to support programs and policies so vital to children, their future and ours as well.

A bulletin for WISCONSIN education leaders including:

- School Board Members
- Superintendents
- Principals
- Student Services Directors
- Central Office Administration
- Deans of Students

PROTECTIVE FACTORS

School leaders can do a lot to boost resiliency in their students. First step? Consider protective factors for youths that can boost social and academic success.

UNDERSTAND THE RISK

Research shows that, on average, 11 percent of students have difficulty learning due to mental disorders. Moreover, youngsters with emotional disturbances have high dropout rates. So, it's critical that school personnel become more astute at identifying these children early and connecting them with resources.

PUT PROTECTORS IN PLACE

Fostering social and personal resources in youngsters can enhance their resiliency and guard against their succumbing to negative behaviors. These protective factors include:

Social Resources:

- Strong interpersonal bonds
- Social support
- Sense of belonging
- Strong attitudes and values that guard against suicide

Personal Resources:

- Strong sense of self worth and self esteem
- Good cognitive skills
- Sense of personal control
- Self-management skills to deal with stress, anger and depression

INTERVENE PROACTIVELY

Schools can do much to enhance student resiliency and promote protective factors. See "Helping Hand" on page 2.

Teaching empathy early on [helping students reach their full potential]

Compassion and empathy for others, especially for those less fortunate, is a cornerstone of a caring community. That's why districts throughout Wisconsin have embraced anti-bullying policies, and why DPI has expanded its Bullying Prevention Curriculum with instructional units for grades 3-5 and 6-8. That gives Jackie Baldwin of St. Germain a great sense of satisfaction.

A mother of two sons, now grown yet both with emotional challenges from an early age, Jackie watched as her boys battled ridicule and were ostracized by their peers. When younger son Mike told her he didn't want to be alive anymore, Jackie felt compelled to act. Her tenacity and advocacy supported the school

district in its efforts to implement bullying prevention that is in compliance with Wis. statutes, the Civil Rights Act and Title IX—all mandating nondiscrimination policies that prohibit harassment and intimidation, including in schools.

Yet Jackie's efforts to be more proactive about bullying and discrimination in her community were not without setbacks.

"At first my son felt that adults were not taking his concerns seriously, nor were they intervening to bring consequences to perpetrators who were carrying out acts of bullying," notes Jackie. She adds that her son was already coping with a disability and ridicule. Jackie urges schools to consider their culture and

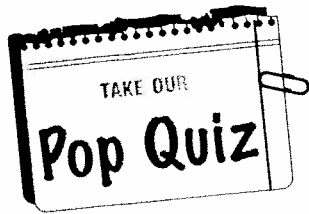
climate, and work toward a more supportive environment for all. This was key, she notes, to her son's achievements which included a prestigious President's Education Award for outstanding academic achievement, and scholarship from the Nicolet College Foundation.

"The question is, how to assist the child not as resilient as others, and help them reach their full potential," Jackie adds. The biggest thing she's learned from her work in advocacy to counter bullying? "Kids need to be taught early on how to be compassionate. That's the core of the matter."

Learn more: DPI Bullying Prevention Curriculum at www.dpi.wi.gov/pubsales/ppls/vc_2.html.



A critical barrier to student success, bullying often starts in early school years. It can negatively impact a student's connection with school and their overall ability to learn. That's why bullying prevention is critical to a school environment conducive to learning and where students feel safe at all times. It's also consistent with the New Wisconsin Promise to ensure a quality education for every child.



[mood matters]

SCHOOL CLIMATE

How does yours stack up?

A positive school climate is a cornerstone of suicide prevention and integral to academic success.

How does your school stack up in providing a caring, supportive community for all?

Sad statistic for our state [call to action]

The word out of Washington, D.C., earlier this year was startling:

No other state in the nation has a HIGHER RATE OF UNDERAGE DRINKING than Wisconsin.

Well Aware

A Suicide Prevention Bulletin for **WISCONSIN School Administrators**

- School Board Members ■ Superintendents
- Principals ■ Student Services Directors
- Central Office Administration ■ Deans of Students

Volume 1, Issue 3
Summer 2007

Well Aware™ is delivered three times each academic year to school administrators and leaders throughout Wisconsin. *Well Aware* is produced in cooperation with the Wisconsin Department of Public Instruction and the Mental Health Association of Wisconsin.

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1 YES OR NO:

Transitions
Do we have a well thought-out set of activities to support transition between grades and schools? YES or NO?

2 TRUE OR FALSE?

Keeping bullying behavior under control
Student bullying is best resolved by addressing only those directly engaged in the behavior. If other students aren't being bullied or bullied, it's not necessary to involve them. TRUE or FALSE?

3 YES OR NO:

Evidence based mental health knowledge
Does our mental health curriculum include factual information on mental illness that helps reduce stigma? YES or NO?

4 YES OR NO:

Student Assistance Program
My district has a SAP (student assistance program) offering a systematic way to address emotional, behavioral and performance issues with students. YES or NO?

5 YES OR NO:

Boosting social skills
Does our school offer problem solving, conflict resolution or coping skills training to at risk youth? YES or NO?

ANSWERS

1. Yes. Transition programs, such as those that pair older students with younger students, build a positive climate and increase a sense of belonging for students. School connectedness has been shown to be protective with regard to suicide attempts.

2. False. Effectively addressing bullying means involving the entire school community, and using school-wide interventions and classroom activities in addition to individual interventions.

3. Yes is the ideal. Integrating current and evidence-based information on mental illness into health curricula can reduce stigma.

4. Yes. Having an SAP program in place is preferred. Because of the link between substance abuse and suicide, substance abuse prevention is suicide prevention.

5. Yes. These types of training can reduce suicide by helping youth identify a variety of healthy strategies to solve problems.



Climate change isn't just a global environmental issue. It's something that school administrators should be well aware of to ensure youngsters have an optimal environment for education and success. That means creating policies that bond schools, staff and students together for the achievement of all.

GENE VIEVE KIRCHMAN
Site and Drug-Free Schools & Communities Project Director
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608.742.6811 ext. 247

"It's about relationships before curriculum and test scores. Before anything, it's about connecting with youth. Kids don't care to know unless they know that you care. Do we recognize that what is at the core of our job is not just test scores? It's about learning, it's about human development. We truly can't lose sight of that."

RISK FACTOR

Binge drinking is highly correlated with suicide attempts.

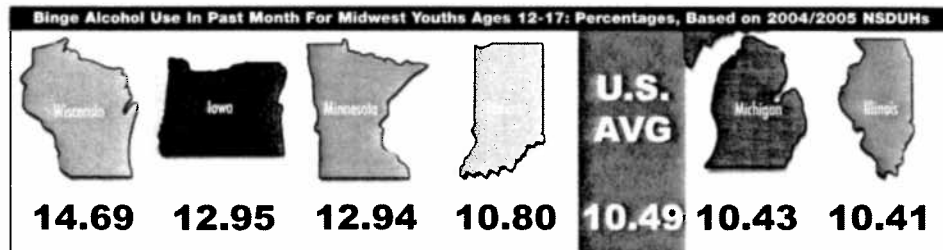
SOURCE: Report, Lakes, 2002, Best Practices for School-Based Youth Suicide Prevention, WI DPI. For more publications, visit www.dpi.wis.gov/publications/footer.html



Wisconsin ranks first nationally in underage drinking between ages 12-20.

This, according to a federal study released on February 28 that identifies states with the highest rates for underage drinking in youths 12-20 years of age. The sad reality? Wisconsin leads the nation with 39 percent of its young people reporting drinking in the past month. As school leaders, you know that underage drinking can compromise a youngster's ability to make sound decisions. Many children who drink to excess may be "self-medicating" an underlying depressive or other mental disorder. Binge drinking in particular has been found to be a risk factor for suicide. It's important that schools have strong yet supportive policies in place for children who may have substance-use and/or mental disorders. That's because given familial and situational components of these disorders, parents of troubled youngsters may themselves be grappling with issues—emotional, mental or alcohol related—that impede their ability to parent at a level that is optimal to their child's well-being.

SOURCE: SAMHSA, U.S. Department of Health and Human Services, February 28, 2007 press release, "New SAMHSA Report Provides State-Level View of Substance Use and Mental Health," samhsa.gov/newsroom/advisories/0702282802.asp



Helping hand [resources and assistance]

MHA HELPING TO PROTECT YOUR STUDENTS

Research suggests that youths adept at problem solving, conflict resolution and nonviolent handling of disputes have greater resiliency. This may reduce potential for suicide. Because youngsters can have suicidal thoughts that reoccur over time, programs that support and protect them should be ongoing, not one-time only. The Mental Health Association of Wis. has gathered evidence-based and promising youth programs to promote mental well-being, non-violence and diversity. These include anti-bullying, problem solving and coping skills enhancement, conflict resolution and violence prevention. Contact Brenda Jennings at MHA at brenda.mha@dtds.net or visit mhawisconsin.org/education/suicideprevention/complementaryprograms.asp

WELL NOW

New from Wisconsin DPI:

WHAT: The School Mental Health Toolkit

WHY: To help you increase capacity to intervene and engage in effective prevention

FOR: Administrators, pupil services personnel and health educators

FEATURES: Evidence-based programs for school-based prevention

INCLUDES: Full-day training with comprehensive master CD including all materials, slides, handouts and tools for use in schools with a mental health curriculum for grades 8-10

INFO: John Humphries, Wis. DPI, (608) 266-7189 or John.Humphries@dipi.state.wis.us



[talk back]



With this third issue, we invite you to tell us what you think of *Well Aware*, a suicide prevention resource for school leaders and administrators throughout Wisconsin. Contact us at talkback@wellaware.org and tell us what you think. We'd like to know more about your programs, policies and problems in making your schools safer, more conducive to learning—and your students more prone to succeed.



Students**Activities****Code of Classroom Conduct**

The district recognizes and accepts its responsibility to create, foster, and maintain an orderly and safe class environment, conducive to both the teaching and the learning process. Staff, including administrators and teachers, must use their training, experience and authority to create schools and classes where effective learning is possible. Students are expected to come to school and to each class ready and willing to learn.

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Code of Classroom Conduct. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that impacts the student or other children in the school. It is the parent's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

School and classes should be as free as possible of unnecessary and unwarranted distraction and disruption. Such behavior can interfere with the classroom environment and will not be tolerated. A student who engages in classroom conduct or behavior as outlined in this code may be removed from class by a teacher and placed in an alternative setting in accordance with established procedures.

Removal from class under this code does not prohibit the District from implementing disciplinary measures, including but not limited to detentions, suspensions, or expulsion for the conduct for which the student was removed.

For purposes of this code a "class" includes regular classes, special classes, resource room sessions, labs, study halls, library time, and school assemblies and other school sanctioned activities. A teacher is any licensed instructor, pupil services staff member, program coordinator, administrative assistant, superintendent, substitute teacher, or paraprofessional and any other persons assigned in emergency cases by the principal/designee.

A. Reason for Removal from Class

Student removal from class is a serious measure and should not be imposed in an arbitrary, casual, or inconsistent manner.

Behavioral expectations are more constructive and more likely to be

followed when they are communicated as clearly as possible to students and staff.

However, it is neither possible nor necessary to specify every type of improper, or every inappropriate circumstance that would justify removal from class under this code. A teacher's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this code, in every circumstance the teacher should exercise his/her best judgment in deciding whether it is appropriate to remove a student from class. Except as otherwise provided, a teacher may remove a student from class for the following conduct or behavior:

- a. **Conduct covered by the District's policies regarding suspension and expulsion** (e.g., conduct rule violations, possessing a firearm, knowingly conveying a threat to persons health and safety or to destroy school property). It should be noted that building administrators make decisions regarding suspension and the district administrator makes recommendations for expulsion.
- b. **Disruptive, Dangerous, or Unruly Behavior.** The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous or unruly:
 - i. Inappropriate physical contact intended or likely to hurt, distract or annoy others such as hitting, biting, pushing, shoving, poking, pinching, grabbing, or spitting at another person.
 - ii. Inappropriate verbal conduct intended or likely to upset, distract or annoy others such as profanity, name calling, or teasing.
 - iii. Behavior that may constitute sexual or other harassment. Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g., lecture by teacher, response by another student, presentation by visitor) or during quiet study time.
 - iv. Any inappropriate use of items which could cause harm to any person or property.

- v. Inciting other students to act inappropriately or to disobey the teacher or school or class rules.
 - vi. Destroying the property of the school or the property of another student.
 - vii. Loud obnoxious or outrageous behavior.
- c. **Conduct which otherwise interferes with the ability of the teacher to teach effectively.** Students are required to cooperate with the teacher by listening attentively, obeying all instruction promptly, and responding appropriately when called upon. A student's non-compliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation this behavior includes:
- i. Open defiance of the teacher, manifest in words, gestures or other overt behavior.
 - ii. Other behavior likely or intended to sabotage or undermine classroom instructions including but not limited to cheating on assigned class work, homework, quizzes or tests.
- B. Procedures to be followed for Removing a Student from Class**
- Except where the behavior is extreme, a teacher should warn a student that continued misbehavior may lead to removal from class. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of action:
- a. Instruct the student to go to the principal's/designee's office. In such instances, the teacher shall contact the office and inform the principal/designee of the reason for the student's removal from class.
 - b. Obtain coverage for the class and escort the student to the principal's/designee's office. The teacher shall inform the building principal/designee of the reason for the student's removal.
 - c. Seek assistance from the school office or other available staff. When assistance arrives, the teacher or the other staff member should escort the student to the principal's/designee's designated area. The principal/designee shall be informed of the reason for the student's removal.

When the student arrives, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal/designee is not available immediately upon the student's arrival, the student should be taken to a designated short-term removal area and the principal/designee should speak to the student as soon as practical.

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal/designee a written explanation of the basis for the student's removal from class. It is the responsibility of the principal/designee to determine the length of removal and student placement during time of removal. **Note See D. Placement Procedures.**

C. Parent/Guardian Notification

As soon as practical, the teacher initiating removal shall notify the student's parent/guardian that the student was removed from class. The teacher will inform the principal when this notification has been provided to the parent/guardian. Notification to the parent/guardian made by telephone contact will be followed up in writing. The written notice prepared jointly by the teacher and principal/designee shall specify the class from which the student was removed, the basis for the removal as determined by the principal/designee. If the student's removal from class is also subject to disciplinary action for the particular classroom conduct (i.e., detention, suspension, or expulsion), the student's parent/guardian shall also be notified by the principal/designee of the disciplinary action in accordance with legal and policy requirements.

D. Placement Procedures

- a. When making placement decision, the building principal/designee shall consider the following factors:
- The reason the student was removed from class.
 - The severity of the offense.
 - The student's individual needs
 - Whether the student has been removed from a teacher's class before.
 - The type of placement options available for students in that particular school and any limitations such as costs, space availability and location, on such placements.
 - The estimated length of time of placement.

The principal/designee may consult with other appropriate school personnel as the principal/designee deems necessary

when making or evaluating placement decisions. A student's parent/guardian may also be consulted regarding student placement decisions when determined by the principal/designee to be in the best interest of the person involved or as required by law.

- b. The building principal/designee shall place a student who has been removed from a class in one of the following educational settings:
- An alternative education program as defined in Wisconsin Statute 115.28(7)(e)1.
 - Another class, instructional setting or another appropriate place in the school, as determined by the principal/designee.
 - Another instructional setting.
 - The class from which the student was removed if, after weighing the interests of the removed student, the other students in the class and the teacher, the principal/designee determines that readmission to the class is the best alternative among the available options or it is the only alternative.

E. All placement decisions regarding students with disabilities shall be made consistent with established Board policies and in accordance with state and federal laws (Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, State Statute.

Cross Reference: Student Alcohol and Other Drug Abuse Policy
Student Discipline Policy
Student Suspension/Expulsion Policy
Staff Use of Physical Force Policy
Special Education Policy and Procedure Handbook

Policy Approved: July 22, 1999



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One Family's Story:

Successful School-Home Relations are Based on Trust

By Dawn Wiens

My son, Zach, has always received compliments for his great smile and good looks. He can appear so much like other kids, yet he just never fit the 'what to expect' advice in parenting books and he puzzled even the most capable professionals. During his toddler and preschool years, I struggled with his challenging behavior. I was told by well-meaning friends that when my son entered the special education program in the public schools I could take a break and rely on the school to help my son. What none of us expected was that my son would have extreme difficulty adjusting to just about everything in the school environment. As the years went by he looked increasingly different at school than he did in the home environment, where he was more relaxed and had fewer challenging behaviors. By Kindergarten I found myself with a depressed 6 year old and I began to panic.

All the knowledge I gained from reading books on 'how to win friends and influence people' went out the window the first time I was required to respond to my son's failure in the school environment. Somehow my protective instincts went from a watchful eye to an angry protective mother tiger! I am sure I stepped on toes as I vented my frustrations to the school staff. I knew I needed better coping skills so I found myself reading topics like conflict resolution and negotiation, but it would not sink in. There was a hidden barrier between the school staff and me that was hard to put my finger on. It wasn't until I found a trusted ally in the school that I began to make some ground in restoring a collaborative relationship with school staff again.

I began to see a trend in myself. When there was someone, even if it was the principal's secretary, who I felt was understanding, I was more relaxed. When I found school staff that I could openly discuss problems with, I felt I was being heard. When I found school staff that could help me see the root of the problem, I felt there was a true partnership. I eventually found myself with a

**Everyone has the right
to be frustrated, but
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the situation.**

team, and whether they knew it or not, they were my trusted allies. This team of 'allies' was responsible for all of the positive changes in my son's school experience. Without them I am sure I would have pulled my son from school, but instead we have worked together through the years and he is now going to middle school this year.

Managing challenging behavior day in and day out can be trying for even the most patient of souls. It occurred to me one day that school staff were entitled to get frustrated as well. Several years ago, my son had an aide who I observed was becoming less tolerant of his impulses. One day the special education teacher and I witnessed a moment when she lost her cool and I demanded an on-site meeting with the principal. The prin-

icipal promised more training. I suggested that she get some well needed respite to change her perspective. Everyone has the right to be frustrated, but what we do about it is the key to improving the situation.

Over the next few years, the teachers and aides still struggled. We struggled at home as well. It seemed no one was on the same page. I wrote letters. The school updated their strategies. What was still missing was a true understanding of why Zach was behaving the way he did. The best advice I ever got from an advocate was to ask the school to conduct a Functional Behavioral Assessment (FBA) on just a couple of his most difficult behaviors. The school felt this was a good idea but after a year there still was no assessment. I requested an outside consultant be hired to get the job done but it was denied. For the first time I felt I was not effective in getting appropriate services for my son, so I invited an advocate to a special meeting with the school to stress that we needed a different plan and needed to know much more about Zach's needs before we could write it.

Bringing an advocate to a school meeting was a huge step for me. I was afraid it would be threatening to the school staff. It ended up being the best thing to do as the advocate skillfully helped each side voice their concerns and guided the discussion to a point of agreement. We agreed that there needed to be an assessment and the school would be allowed to utilize their resources before using an outside consultant. Finally we were getting somewhere. More strategies were thought up and a Behavior Intervention Plan (BIP) was written. Unfortunately, we

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Voice Your Opinion on "Bullying Bill!"

By Jackie Baldwin

Research indicates that bullying in schools is extremely detrimental to the victim, affects bystanders and has negative consequences for the bully (see sidebar). Senate Bill 42, also referred to as the "Bullying Bill", has been introduced by Senator Neal Kedzie (R - Elkhorn). This bill would require all schools to have policies and plans to address bullying and harassment. The Wisconsin Council on Mental Health and the Children & Youth Committee of the Council have expressed support of this bill. State legislators have informed us that letters of support from families are needed at this time to ensure passage of SB 42.

The Senate Committee on Education held a public hearing on Senate Bill 42 on August 23, 2007. At the hearing, a couple of issues were raised that Senator Kedzie's office currently is working to address.

The complete text of the bill can be found on the state legislature website at www.legis.state.wi.us/2007/data/SB-42.pdf.

Following is the Legislative Reference Bureau's analysis of the bill:

This bill directs the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils. The policy must define bullying, prohibit pupils from bullying, describe where and the circumstances in which the prohibition applies, and provide penalties for bullying. The policy must also include procedures for reporting bullying and for investigating such reports. The bill also directs DPI to develop a model education and awareness program on bullying.

The bill directs each school board to adopt a policy prohibiting bullying by pupils. The school board may adopt DPI's model policy. Once each year, the school board must distribute the policy to all pupils enrolled in the school district and to their parents. With certain exceptions, upon the occurrence of a bullying incident, the school board must distribute the policy to all pupils involved in the incident and to their parents.



Finally, this bill adds Wednesday of the fourth week in September, Bullying Awareness Day, to the list of special observance days for schools.

Should the Senate Committee on Education recommend passage of SB 42, the bill will go to the Senate Committee on Organization. This committee is responsible for scheduling legislative activity in the Senate. Should the Committee on Organization schedule the bill for floor action, and should the bill be passed by the full State Senate, it will be sent to the State Assembly. The process in the Assembly is similar to that of the Senate. If the bill is passed by both houses of the legislature in identical fashion, it will be sent to the governor for his signature or veto.

If you feel strongly about this issue, I recommend that you contact your State Senator to express not only your opinion, but to share how bullying / harassment has impacted your family. Contacting your legislators helps show that you believe bullying is an important topic and puts a 'face' on the issue.

To find names and contact information for your legislators, go to waml.legis.state.wi.us or call 1-800-362-9472. You may also send written comments to the chair of the Senate Committee on Education, Sen. John Lehman, Room 310S State Capitol, P.O. Box 7882, Madison, WI 53707-7882. Senator Kedzie may be contacted by email at Sen.kedzie@legis.wisconsin.gov.

If you have questions or need assistance with contacting your representative, contact your local Wisconsin Family Ties Family Advocate or our main office in Madison at 1-800-422-7145 or info@wifamilyties.org.

Impact of Bullying

Prevalence

- 83% of girls and 79% of boys report having ever experienced harassment at school, with over 25% of students experiencing it "often"
- 77% of middle and high school students in small, Midwestern towns have been bullied.
- In August 1999, CNN reported that 4 out of 5 middle school students admit that they act like bullies at least once a month
- Nationwide, as many as 160,000 children skip school each day because of intimidation by their peers

Victims

- Commonly do poor in school and suffer from high rates of absenteeism
- Students who regularly experience bullying report low self-esteem, depression, living in fear, and thoughts of suicide
- Increased rates of fighting, smoking and loneliness have been associated with being bullied
- The impact of bullying persists into adulthood: Individuals formerly bullied were found to have higher levels of depression and poorer self-esteem at the age of 23 years, despite the fact that they were no more harassed or socially isolated than comparison adults

Bystanders

- Suffer from feelings of helplessness and powerlessness and develop poor coping and problem solving skills

Bullies

- Demonstrate poor social and emotional adjustment, social isolation, lack of school success, and involvement in other problem behaviors
- Without intervention, bullies often continue on to more extreme violence and abusive behavior
- Former bullies show significantly increased risk of criminal behavior into young adulthood

Prevention

- School-based interventions have demonstrated positive outcomes in Norway and England, with reductions in bullying of 30% to 50%



Bullying: What We Know

BULLYING: THE FACTS

Bullying is:

- ❖ Aggressive behavior that is intentional and involves an imbalance of power or strength.
- ❖ Bullying can take many forms: physical, verbal, nonverbal or emotional (intimidation through gestures or social exclusion), and cyber (using the Internet, text messaging, or email to slander or embarrass).
- ❖ Bullying is a form of victimization, not a conflict.

The Prevalence of Bullying

- ❖ The incidence of behaviors such as bullying has increased, while school violence has declined in the past several years.¹
- ❖ Studies show that between 15-25% of U.S. students are bullied with some frequency while 15-20% report that they bully others with some frequency.^{2,5}
- ❖ In a survey of students in 14 elementary and middle schools in Massachusetts, more than 30% believed that adults did little or nothing to help in bullying incidents.³

BULLYING: THE IMPACT

Children who bully are more likely than their peers to:^{4,5}

- | | | |
|----------------------------|------------------|-------------------------|
| ❖ Get into frequent fights | ❖ Steal property | ❖ Be truant from school |
| ❖ Be injured in a fight | ❖ Drink alcohol | ❖ Drop out of school |
| ❖ Vandalize property | ❖ Smoke | ❖ Carry a weapon |

Research has also shown that:

- ❖ Children who bully are more likely to report that they own guns for risky reasons, such as to gain respect or frighten others.⁶
- ❖ Boys who were identified as bullies in middle school were four times as likely as their non-bullying peers to have more than one criminal conviction by age 24.⁷

Effects of bullying

- ❖ Children who are being bullied are more likely than their peers to be depressed, lonely, and anxious; have low self-esteem; feel unwell; have more migraine headaches; and think about suicide.⁸
- ❖ Stresses of being bullied can interfere with student's engagement and learning in school, as well as cause fear of going to school.^{9,10}
- ❖ Bystanders to bullying are also impacted. The climate of fear and disrespect that bullying creates negatively impacts student learning.^{10,11}

WHAT WORKS IN BULLYING PREVENTION¹²

- ❖ Programs that show the most promise are comprehensive in approach. They involve the entire school community, including families, and incorporate school-wide interventions, classroom activities, and individual interventions.
- ❖ Effective programs require strong administrative leadership with ongoing commitment and staff development on the part of the adults in the school system.
- ❖ Bullying prevention efforts should begin early - as children transition into kindergarten - and continue throughout a child's education, with no "end date."

The most promising school-based bullying prevention programs incorporate the following characteristics:

- ❖ A focus on creating a school-wide environment or climate that discourages bullying
- ❖ Student surveys to assess the nature and extent of bullying behavior and attitudes
- ❖ Training to prepare staff to recognize and respond to bullying
- ❖ Development of consistent rules against bullying
- ❖ Review and enhancement of the school's disciplinary code related to bullying behavior
- ❖ Classroom activities to discuss issues related to bullying
- ❖ Integration of bullying prevention themes across the curriculum
- ❖ Individual and/or group work with children who have been bullied
- ❖ Individual work with children who have bullied their peers
- ❖ Involvement of parents in bullying prevention and/or intervention activities
- ❖ Use of teacher or staff groups to increase staff knowledge and motivation related to bullying

¹ U.S. Department of Education. (2002). National Center for Education Statistics, *The continuation of Education 2002*, NCES 2002-025, Washington, DC: U.S. Government Printing Office, 2002 and <http://nces.ed.gov/>.

² Melton, G. B., Limber, S., Flerx, V., Cunningham, P., Osgood, D.W., Chambers, J., Henggler, S., & Nation, M. (1998). *Violence among rural youth*. Final report to the Office of Juvenile Justice and Delinquency Prevention.

³ Mullin-Rindler, N. (2003). *Findings from the Massachusetts Bullying Prevention Initiative*. Unpublished manuscript.

⁴ Nansel, T. R., Overpeck, M.D., Haynie, D. L., Ruan, W. J., & Scheidt, P. C. (2003). Relationships between bullying and violence among US youth. *Archives of Pediatric Adolescent Medicine*, 157, 348-353.

⁵ Nansel, T. R., Overpeck, M., Pilla, R. S., Ruan, J., Simons-Morton, B., & Scheidt, P. (2001). Bullying Behaviors Among US Youth: Prevalence and Association With Psychosocial Adjustment. *Journal of the American Medical Association*, 285, 2094-2100.

⁶ Cunningham, P. B., Henggeler, S.W., Limber, S. P., Melton, G. B., and Nation, M. A. (2000). Patterns and correlates of gun ownership among nonmetropolitan and rural middle school students. *Journal of Clinical Child Psychology*, 29, 432-442.

⁷ Olweus, D. (1993). *Bullying at school: what we know and what we can do*. NY: Blackwell.

⁸ Limber, S. P. (2002). *Bullying among children and youth*. Proceedings of the Educational Forum on Adolescent Health: Youth Bullying. Chicago: American Medical Association. Available online: <http://www.ama-assn.org/ama1/pub/upload/mm/39/youthbullying.pdf>.

⁹ NEA Today. (1999). *Easing the strain of students' stress*. Departments: Health. September 1999. NEA Washington, DC www.nea.org/neatoday/9909/health.html.

¹⁰ National Education Association. (2003). *National bullying awareness campaign*. www.nea.org/schoolsafety/bullying.html.

¹¹ Banks, R. (1997). *Bullying in schools* (ERIC Report No. EDO-PS-97-170.) University of Illinois Champaign, Ill.

¹² Health Resources and Services Administration. www.StopBullyingNow.hrsa.gov.