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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2011 Senate Bill 427**

**Senate  
Amendments 1 and 2**

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Senate Bill 427 relates to school bullying and use of computer systems to bully or harass.

### Current Law

Current law requires the Department of Public Instruction (DPI) to develop a model policy on bullying by pupils. The policy must include, among other items, a definition of bullying, a prohibition on bullying, a procedure for investigating reports of bullying, and a list of disciplinary alternatives for pupils who engage in bullying. Each school board must adopt a policy prohibiting bullying by pupils. The school board may adopt DPI's model policy.

Current law also prohibits sending a message to a person by electronic mail or other computerized communication system with intent to frighten, intimidate, threaten, abuse, or harass another person if the message threatens to inflict injury or physical harm to any person or the property of any person or the message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act. A message threatening injury or harm is punished as a Class B misdemeanor and a message containing obscene, lewd, or profane language is punishable by a Class B forfeiture.

### Senate Bill 427

Senate Bill 427 requires DPI's model policy on bullying by pupils to include a definition of bullying *that includes bullying by electronic means*. The bill also requires the policy to include both of the following:

- A requirement that a school board maintain records on the number and types of reports made on bullying incidents and the discipline imposed on pupils who engaged in bullying, annually prepare a summary report that includes trends in bullying behavior and recommendations on how to reduce the number of bullying incidents, and post the report on its Web site.

- Appropriate responses to bullying that occurs off school grounds but nevertheless creates a hostile environment at school for the pupil bullied, infringes on the rights of the pupil bullied at school, or disrupts the educational process or orderly operation of a school.

The bill also expands the offenses described above relating to electronic messages to include messages posted electronically where other person can view the message.

### **Senate Amendment 1**

Senate Amendment 1 requires DPI's model policy on bullying by pupils to include a statement that a school board may prohibit bullying, and reasonably discipline pupils who engage in bullying, that does not occur at a school-related event, on school property, or in a vehicle used for pupil transportation, if the bullying creates a hostile environment at school for the pupil bullied or substantially disrupts the orderly operation of a school or school-related event.

### **Senate Amendment 2**

Senate Amendment 1 requires DPI's model policy on bullying by pupils to include a statement that if a school board has reasonable cause to suspect that a bullying incident is a violation of a criminal law, the school board should report the incident to a law enforcement agency.

### **Legislative History**

Senate Amendments 1 and 2 were offered by Senator Cullen. On March 7, 2012, the Senate Committee on Education voted unanimously to recommend adoption of Senate Amendments 1 and 2 and to recommend passage of the bill, as amended.

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