

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2005-06

(sessio  
(Assembly, Senate or Joint)

Committee on  
Education  
(SC-Ed)

File Naming Example:

Record of Comm. Proceedings ... RCP  
> 05hr\_AC-Ed\_RCP\_pt01a  
> 05hr\_AC-Ed\_RCP\_pt01b  
> 05hr\_AC-Ed\_RCP\_pt02

> Committee Hearings ... CH (Public Hearing Announcements)  
> \*\*

> Committee Reports ... CR  
> \*\*

> Executive Sessions ... ES  
> \*\*

> Record of Comm. Proceedings ... RCP  
> \*\*

*Information Collected For Or  
Against Proposal*

> Appointments ... Appt  
> \*\*

> Clearinghouse Rules ... CRule  
\*\*

> Hearing Records ... HR (bills and resolutions)

> **05hr\_sb0410\_SC-Ed\_pt01**

> Miscellaneous ... Misc  
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*Published Documents*

**Testimony to the Senate Education Committee  
In Support of SB 410,  
Sen. Grothman's Bill Relating to School Discipline  
November 29, 2005**

My name is Barbara Schwartz. I am an Educational Support Professional with the Port Washington-Saukville School District where I have worked for the past 11 years.

I am 100% in favor of the Senate Bill 410, relating to school discipline. I feel that the support staff of any Wisconsin School District needs this bill to pass and to be signed into law to benefit all children.

Education is very near and dear to my heart. Every child deserves a great education. Some support staff are with students during the day more than the teacher. The support staff is the teacher's right hand.

As an Educational Support Professional, I have been a student supervisor. I monitored study halls, the library, parking lots and hallways. I also did crowd control for some of the high school basketball games. At one of those games we had a group of students that became very rude to parents, other students and the opposing team. There was nothing that I could do except call the Port Washington Police Department and wait for them. Had this bill been in place, I would have had the legal authority to escort them out of the building.

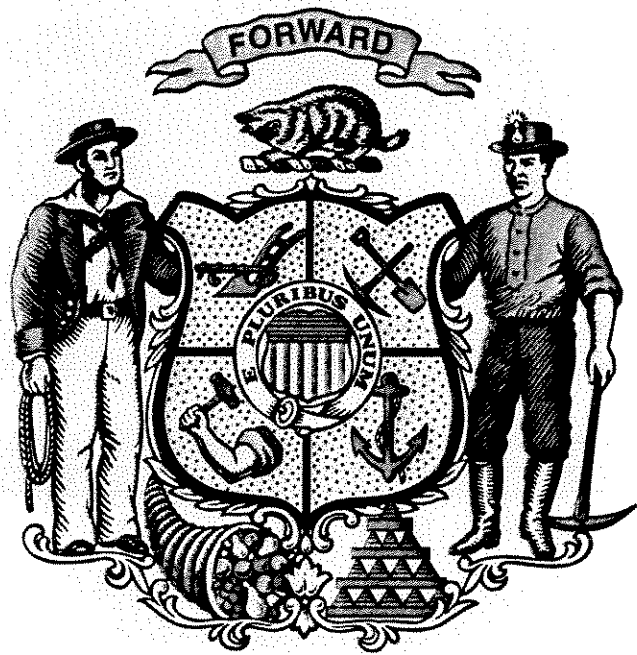
I now work with teachers that have to stop teaching the students who want to learn in order to deal with those who don't. This is not fair to the other students who want to learn.

If this bill passes, it would give us, the Educational Support Professionals, the right to take the student out of a situation that is not good for them or others and let the teacher do what they were hired to do--teach our future leaders.

Thank you for listening to my concerns, and I encourage the legislature to pass this bill so that the governor can sign it into law.

Sincerely,

Barbara Schwartz  
102 Wisconsin  
Cedar Grove, WI 53013



*Testimony to the Senate Education Committee*  
*In Support of SB 410, Relating to School Discipline*  
*November 29, 2005*

My name is Cheryl Gruse, and I am a Paraprofessional in the Oshkosh Area School District. I have been employed at Merrill Elementary School for eleven years, and have worked in a self-contained Emotional Behavioral Disabilities (EBD) classroom for eight years.

I feel very strongly about the SB 410 Bill because it affects me and other co-workers directly. This bill is needed to protect our support staff and all students in our building. SB 410 allows paraprofessional the tools to do their job effectively.

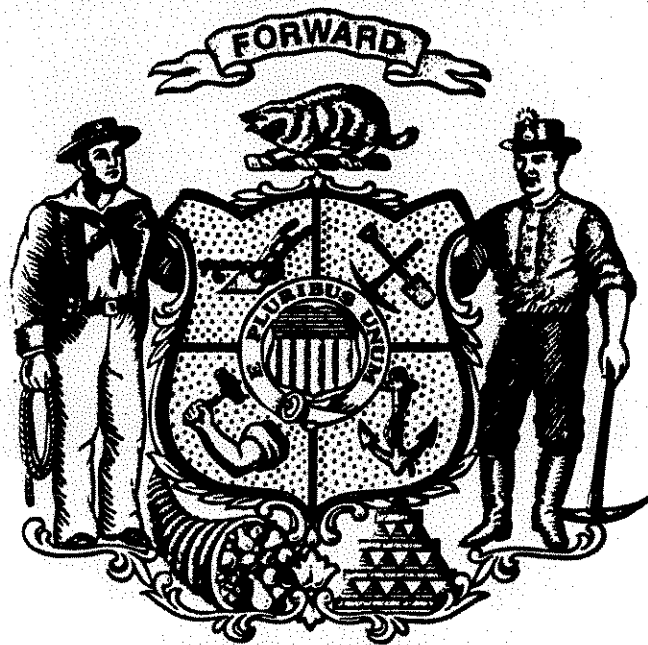
There are many times during the day that we are alone with the students, whether it be lunch or bus duty, recess or in a class setting; at all times the teacher and/or staff member is with the students during art, music, and gym. There are times that the support staff spends more time with the students than the teachers, and how when a child may becoming frustrated and lose his or her temper. In a situation like this, when the learning of other children is interrupted by another student's behavior, that behavior needs to stop.

I do my job because I love children and want to help make a difference in their education. Some of our students come from disadvantaged homes. Some students come to school from homes in which they have not been taught common courtesy and respect for authority. I know in our job that we take verbal abuse, almost on a daily basis, but keeping an abusive student within the classroom puts all of us at risk. SB 410 would give paraprofessionals the authority to enforce the rules and maintain order.

I ask you to please support SB 410 and add it to the existing statues that currently cover only teachers and administrators. This bill will give all school employees the authority to discipline and the opportunity to keep our schools safe.

Thank you,

Cheryl Gruse  
1535 Harrison Street  
Oshkosh, WI 54901



**Testimony to the Senate Education Committee**  
**in Support of SB 410, Relating to School Discipline**  
**November 29, 2005**

My name is Marge Rivard. I have worked in the public school setting for over 15 years as a Para-educator. I am currently employed at Madison Middle School in the Appleton Area School District. I have held various positions through the years, but I have worked mainly with special education students, primarily the behaviorally and emotionally challenged, and have done supervision of students in the general population such as lunch duty and hall monitoring.

In 1997 the legislature passed Act 335, which gives a teacher the authority to remove from the classroom dangerous and disruptive students. Today I am here to support Senator Grothman's bill SB 410. My support is based on a very simple premise: students should respect all adults, and as an employee of a school district, I and other educational support professionals (ESP) should have the same rights afforded the professional staff.

Those rights include the authority for a para-educator to remove from the classroom a disruptive student who is interfering with the learning of other students. Those rights include the authority for a food service employee to remove a disruptive student from the cafeteria so that others may enjoy their meal, for a bus driver to remove a student from a bus so he/she can transport students safely, or for a custodian to remove a disruptive student from a hallway so that other students may feel safe.

Educational support professionals should be able to remove that student without being told, "You can't do that because you are not a teacher or an administrator." ESP should be able to remove that student without being second-guessed by a professional staff member and made to feel inferior. We should be able to remove that student without fear of reprisals by the administration.

When we remove a student, the consequences for the student behavior should be the same as if reported by a professional staff member. I have seen in the past that there are different levels of consequences based on one's position within the district. The consequences can be quite different for a student who becomes disruptive or violent with a support staff member and one that becomes disruptive or violent with an administrator.

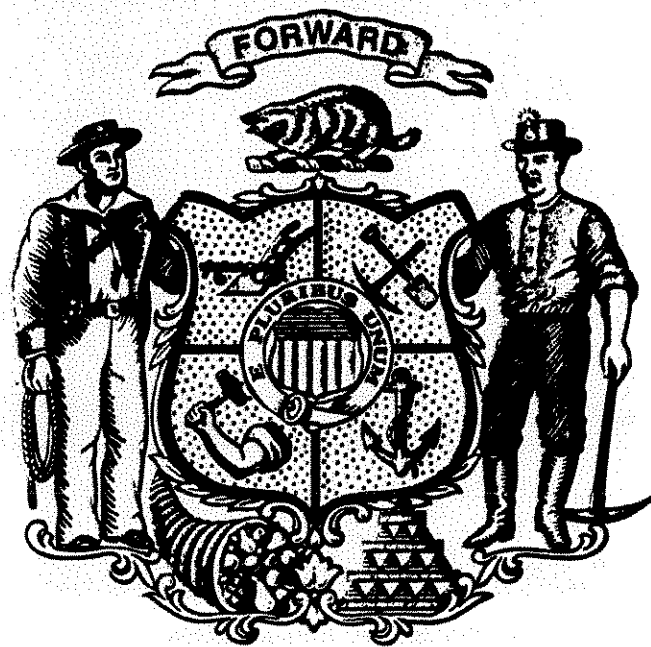
Sometimes it is implied that taking the verbal or physical abuse is part of our job description. I admit there are times that this may be true, but keeping an abusive student within the classroom because a support staff member is there is inappropriate.

Unfortunately too often what is heard is that I am "just an aide," or he's "just a custodian," or she's "just a kitchen helper." I believe we all do difficult and important work for the well being and learning of children no matter what our job title may be. We try to instill in students the philosophy that everyone is valued. It is time that we show that by empowering the educational support staff of the state and allow them remove disruptive students, just as our professional staff is empowered.

I ask you to please support AB 760 and make it law. This bill will give all school employees, no matter what their job title, the opportunity to keep our schools safer and more secure and the assurance that their work is valued.

Thank you.

Marjorie J. Rivard  
1230 E. Fremont Street  
Appleton, WI 54915





**Testimony to the Senate Education Committee**  
**In Support of SB 410, Relating to School Discipline**

**November 29, 2005**

My name is Elaine Hoffer. I live at 5984 Schroeder Road in Madison. I am a para-educator in the Middleton Cross Plains School District, and I am also the president of the Middleton Educational Support Association. I have been employed in the education field for 15 years; first as a school bus driver and for the last five years as a special needs para-educator.

I feel very strongly about Senate Bill 410. It is needed to protect our support staff from harm and also needed to protect other students.

Due to many cuts in education, more supervision is being assigned to the support staff in our school districts. There are many times during the day those support staff are alone with children or assigned to be with one child. I receive e-mails and phone calls from para-educators saying they do not know what to do because a child has hit, bit and at times hurt them. Many times support staff feel the incident is not dealt with seriously and properly. The result is that support staff are then hesitant to intervene when students misbehave.

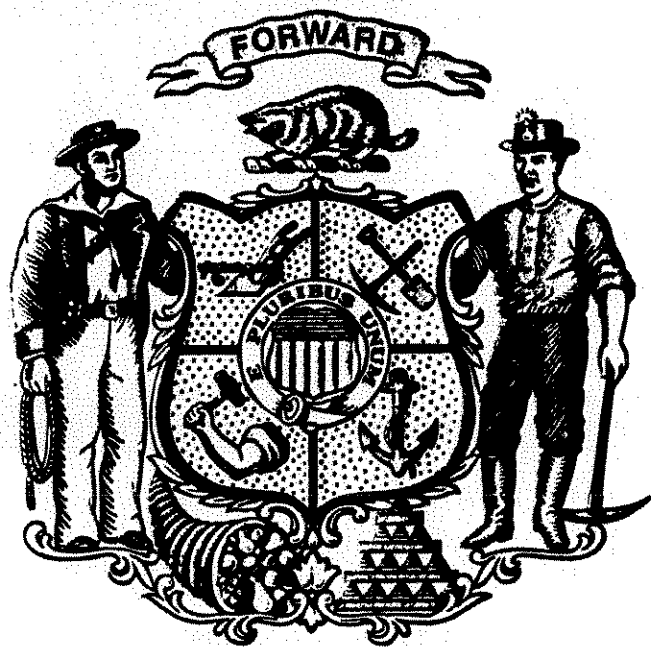
When the learning of other children is interfered with by another child's behavior, that behavior needs to be stopped. I am glad to see that this bill deals with more than just the classroom setting. Hallways, the lunchroom and after school activities are also included in this bill. These are places in which support staff also give attention to children in addition to the classroom.

Unfortunately we live in a sometimes-unsafe society that occasionally is evident in the schools. Many children come to school each day from disadvantaged homes. Some of these children bring to school serious family problems from those homes. Some come to school without having been taught common courtesy and a healthy respect for authority. I believe this bill will help support staff members have the authority to deal with these children more effectively and make schools a safe and orderly place, a place more conducive to learning.

Sometimes the support staff spends more time with the students than teachers and can see when a child is reaching his or her point of no return. Para-educators need to have the authority to give the child the opportunity to make the choice that needs to be made. Making this bill a law can only give the support staff the support (no pun intended) they need to help our schools to be a safer and happier place for all concerned. Please support SB 410.

Thank you for allowing me to present my thoughts to you. I appreciate the work you do for the people of Wisconsin.

Elaine Hoffer  
Apt. A  
5984 Schroeder Road  
Madison, WI 53711



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# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Affiliated with the National Education Association

*Every kid  
deserves a  
Great School!*

## Testimony to the Senate Committee on Education In Support of SB 410, Relating to School Discipline November 29, 2005

Good afternoon, I am Tina Koch, and I have some very important duties as an aide at Black Hawk Middle School in Gratiot located in Lafayette County. I have worked for the Black Hawk school district for five years with both special needs and regular education students.

I would like to encourage your support of Senate Bill 410 giving school employees the right to remove disruptive and dangerous students to provide a safe learning environment for all. Due to tightening of budgets, support staff duties have increased to where they are often in independent supervisory roles both in and out of the classroom. We need the same level of respect and authority as teachers to handle students who violate the school code of conduct.

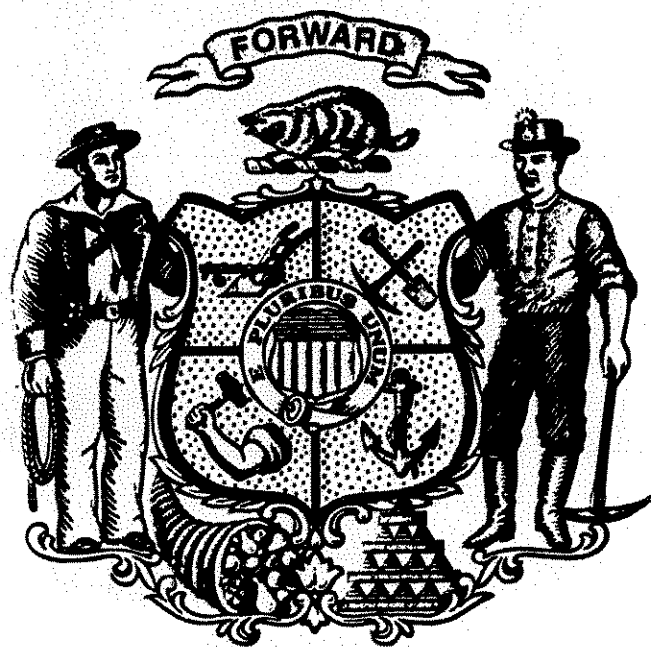
While working with a group of students independently in a classroom or within another teacher's room, when a student becomes disruptive, the learning process is interrupted for the entire group. If the teacher has to stop the lesson to deal with this one student, everyone else in the room is cheated of his or her time to learn.

There have been several times in just the past year in which students on the playground have gotten into a disagreement and one or more was starting to get violent. They then need to be removed as quickly as possible before someone is hurt. There is not time to send someone in to get a teacher or administrator to remove them, that would take minutes when there may only be seconds to respond. For the safety of the children, all school personnel should have the authority to remove the unruly child from the setting to take to the office.

Support staff have been assigned to supervise students in classes, lunchrooms, hallways, on buses and playgrounds, but they need to be empowered to remove the few disruptive ones. Let's keep our great schools safe and effective learning institutions while giving all employees the respect and authority they deserve.

Tina Koch  
802 25<sup>th</sup> Avenue  
Monroe, WI 53566

Stan Johnson, President  
Dan Burkhalter, Executive Director



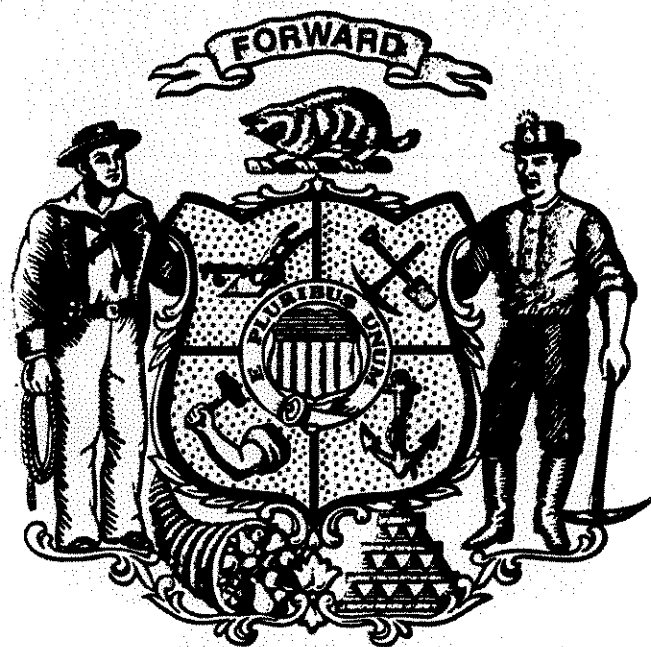
**Testimony of Senator Glenn Grothman**  
**Senate Bill 410**  
**Senate Committee on Education**  
**November 29<sup>th</sup>, 2005**

Thank you Mr. Chairman and committee members for hearing Senate Bill 410.

Current law gives a teacher the authority to remove a pupil from the classroom if the pupil violates a locally-developed code of conduct; is dangerous, unruly or disruptive; or exhibits behavior that interferes with the teacher's ability to teach effectively. SB 410 is a common sense bill that gives Education Support Professionals that same authority.

Educational Support Professionals play an integral role within schools to keep them safe, orderly and healthy places that are conducive to student learning. Increasingly support staff members are assigned to supervise students in and outside the classroom. SB 410 allows support staff to remove a student who has violated the school's code of conduct, whether on the playground, in the lunchroom, in the school hallway, or in the classroom. SB 410 allows support staff to deal with disruptive situations immediately without having to seek out a teacher or administrator to enforce the school's code of conduct. Usually that means the support staff member refers the disruptive student to the principal's office followed by a written report of the incident documenting the code violation.

I would like to ask you for your support of SB 410. This bill is a significant step forward in helping to keep our schools a safe place for learning.



Public Hearing - 11-29-05

SB 377 - Alberta  
then

testimony mostly about choices, preparedness,  
post-secondary education  
accountability

Experiments in education  
add ~~one~~ more chartering authority

6 nat'l edu goals in 1990  
expanded to eight

2000 - first in world in math & science  
did not happen

US 15 year olds - 28th in world in math & science

70% of 4th & 8th not proficient in reading, science & math

Charter school best solution for moving ahead

↳ I disagree - ~~Udelman~~ - UW, independent UW Charter School  
limits of parental choice, school districts not innovative

quality education for student, family, & community  
competition should be for everyone because of global economy

AB 303 - Jaeger used testimony - no questions



AB 589 - Andy Lamb's office  
CBC vaccine for meningococcal disease

Can schools post on website too?  
Internet best place to distribute  
packets  
amendments are ok

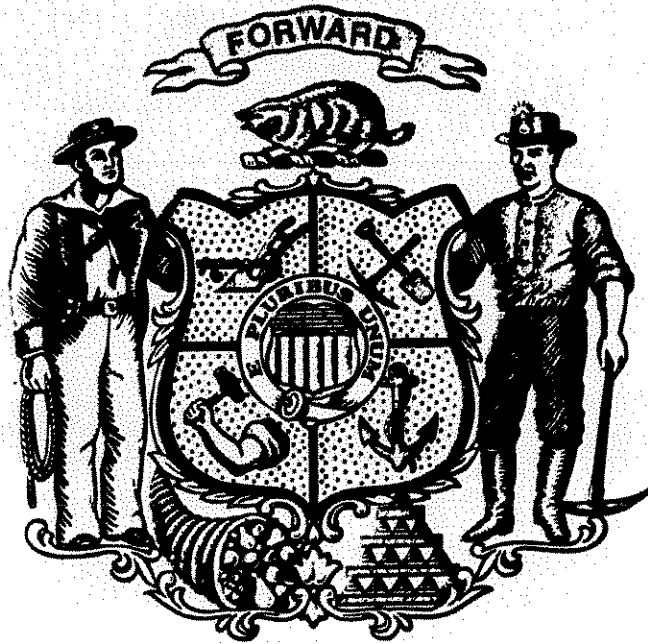
~~AB 589~~ Gail Bailey - mother  
did not know anything about the disease  
hardest part of the death  
her son would not want that to happen  
this bill is the answer  
sharing of the disease, don't share germs  
education and identifying signs

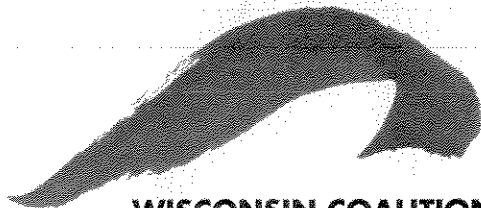
SB 410 - disruptive students in class  
bill mostly a clarification, sometimes depends on administrators

Jeff Reith removal is a placement issue  
don't think this is a real current problem  
larger issue - statute, violation, etc

SB 411 - Luther no questions

SB 412 - League of Minors / Idiots





## **WISCONSIN COALITION FOR ADVOCACY**

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

### **TESTIMONY IN OPPOSITION TO SB 410**

by

**Jeffrey Spitzer-Resnick**  
Managing Attorney

As many of you know, the Wisconsin Coalition for Advocacy (WCA) is Wisconsin's protection and advocacy agency for people with disabilities. In my position at WCA, I focus much of my attention on special education. It is with that experience that I am submitting this testimony against SB 410, and urge the committee not to pass the bill.

This bill seeks to provide unprecedented power to non-teaching staff to remove students from school property or from a school-sponsored activity. If this bill passes, school bus drivers will have unfettered authority to remove a student from a bus, at any location the driver wishes. Under this bill, a teacher's aide could decide that a child can no longer participate in a field trip, thereby leaving the child in another town or city, with no way to get home.

While these examples may sound extreme, they would be permitted by the bill, if it passes. Such decisions should be left to school administrators, and not to non-professional school staff.

Moreover, this bill will allow non-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 bus driver, a janitor or a teacher's aide to disrupt a child's IEP, and thereby expose the school district to legal liability for doing so.

In sum, this bill seeks to put far too much power in the wrong hands. WCA urges you to vote against it.