

2007 SENATE BILL 42

February 15, 2007 – Introduced by Senators KEDZIE, COGGS, CARPENTER, LASSA, ROESSLER, DARLING, LEHMAN, SCHULTZ, HANSEN, SULLIVAN and A. LASEE, cosponsored by Representatives JESKEWITZ, LOTHIAN, YOUNG, SHERIDAN, FIELDS, TURNER, HINES, ALBERS, BERCEAU, A. OTT, BALLWEG, KRUSICK, CULLEN and OWENS. Referred to Committee on Education.

1 **AN ACT to amend** 118.164 (2) and 120.13 (1) (a) (intro.); and **to create** 118.02 (18)
2 and 118.46 of the statutes; **relating to:** school policies on bullying.

Analysis by the Legislative Reference Bureau

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.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 42**SECTION 1**

1 **SECTION 1.** 118.02 (18) of the statutes is created to read:

2 118.02 **(18)** Wednesday of the 4th week in September, Bullying Awareness Day.

3 **SECTION 2.** 118.164 (2) of the statutes is amended to read:

4 118.164 **(2)** Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher
5 may remove a pupil from the teacher's class if the pupil violates the code of classroom
6 conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or
7 exhibits behavior that interferes with the ability of the teacher to teach effectively,
8 as specified in the code of classroom conduct. The teacher shall send the pupil to the
9 school principal or his or her designee and notify the school principal or his or her
10 designee immediately of the reasons for the removal. In addition, the teacher shall
11 provide to the principal or his or her designee within 24 hours after the pupil's
12 removal from the class a written explanation of the reasons for the removal.

13 **SECTION 3.** 118.46 of the statutes is created to read:

14 **118.46 Policy on bullying. (1)** By March 1, 2008, the department shall do
15 all of the following:

16 (a) Develop a model school policy on bullying by pupils. The policy shall include
17 all of the following:

18 1. A definition of bullying.

19 2. A prohibition on bullying.

20 3. A procedure for reporting bullying that allows reports to be made
21 confidentially.

22 4. A prohibition against a pupil retaliating against another pupil for reporting
23 an incident of bullying.

24 5. A procedure for investigating reports of bullying. The procedure shall
25 identify the school district employee in each school who is responsible for conducting

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1 the investigation and require that the parent or guardian of each pupil involved in
2 a bullying incident be notified.

3 6. A requirement that school district officials and employees report incidents
4 of bullying and identify the persons to whom the reports must be made.

5 7. A list of disciplinary alternatives for pupils that engage in bullying or who
6 retaliate against a pupil who reports an incident of bullying.

7 8. An identification of the school-related events at which the policy applies.

8 9. An identification of the property owned, leased, or used by the school district
9 on which the policy applies.

10 10. An identification of the vehicles used for pupil transportation on which the
11 policy applies.

12 (b) Develop a model education and awareness program on bullying.

13 (c) Post the model policy under par. (a) and the model program under par. (b)
14 on its Internet site.

15 **(2)** By August 15, 2008, each school board shall adopt and include in its code
16 of conduct a policy prohibiting bullying by pupils. The school board may adopt the
17 model policy under sub. (1) (a). The school board shall provide a copy of the policy
18 to any person who requests it. Annually, the school board shall distribute the policy,
19 separately from its code of conduct, to all pupils enrolled in the school district and
20 to their parents or guardians. Upon the occurrence of a bullying incident, the school
21 board shall distribute the policy to each pupil involved in the incident and to his or
22 her parent or guardian unless the pupil was involved in a bullying incident during
23 the current semester and the pupil and his or her parent or guardian received a copy
24 of the policy then.

25 **SECTION 4.** 120.13 (1) (a) (intro.) of the statutes is amended to read:

SENATE BILL 42**SECTION 4**

1 120.13 **(1)** (a) (intro.) Make rules for the organization, gradation and
2 government of the schools of the school district, including rules pertaining to conduct
3 and dress of pupils in order to maintain good decorum and a favorable academic
4 atmosphere, which shall take effect when approved by a majority of the school board
5 and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board
6 shall adopt a code to govern pupils' ~~classroom~~ conduct ~~beginning in the 1999–2000~~
7 ~~school year~~. The code shall be developed in consultation with a committee of school
8 district residents that consists of parents, pupils, members of the school board, school
9 administrators, teachers, pupil services professionals and other residents of the
10 school district who are appointed to the committee by the school board. The code of
11 ~~classroom~~ conduct may provide different standards of conduct for different schools
12 and may provide additional placement options under s. 118.164 (3). The code shall
13 include all of the following:

14

(END)