



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 42

**Senate Substitute
Amendment 1**

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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 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 1

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 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.

Legislative History

Senate Bill 42 was introduced by Senator Kedzie and others, cosponsored by Representative Jeskewitz and others and referred to the Senate Committee on Education. A public hearing was held by the Senate Committee on Education on August 23, 2007.

Senate Substitute Amendment 1 was offered by Senators Lehman, Kedzie, and Coggs on October 9, 2007. Substitute Amendment 1 was adopted by the committee on a vote of Ayes, 6; Noes, 1; and recommended for passage on a vote of Ayes, 5; Noes, 2.

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