

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SB427)**

Received: 03/02/2012

Received By: pgrant

Wanted: As time permits

Companion to LRB:

For: Timothy Cullen (608) 266-2253

By/Representing: Kelley Flury

May Contact:

Drafter: pgrant

Subject: Education - school boards

Addl. Drafters:

Extra Copies: TKK

Submit via email: YES

Requester's email: Sen.Cullen@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Reporting bullying incidents to law enforcement agency

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/02/2012	csicilia 03/02/2012		_____			
/1			jfrantze 03/02/2012	_____	mbarman 03/02/2012	mbarman 03/02/2012	

FE Sent For:

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/?	pgrant	1 jcs 3/2 12	J 3/2	JF PT			

FE Sent For:

<END>

**Grant, Peter**

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**From:** Flury, Kelley  
**Sent:** Wednesday, February 29, 2012 5:04 PM  
**To:** Grant, Peter  
**Subject:** Another amendment to SB 427

Hi, Peter,

Can you please draft an amendment adding a #13 to the list of items that DPI's model school policy must contain and that is:

13. A statement that a school board may refer bullying incidents to law enforcement or appropriate service agencies.

DPI asked for this. I have an e-mail out to Jennifer Kammerud asking what is meant by "appropriate service agencies."

Kelley

*Doug White (DPI) 6-5198  
Steve Bernan 6-3889*

*if it is personal  
incident into the  
child abuse:  
mandatory reporting  
of assault or act  
civil behavior, can  
report*

*3/1/12  
called Doug & LM.*

## Grant, Peter

---

**From:** Flury, Kelley  
**Sent:** Thursday, March 01, 2012 1:53 PM  
**To:** Grant, Peter  
**Subject:** RE: Another amendment to SB 427

Have you found out anything, Peter?

I talked to Jennifer Kammerud about what she meant by "appropriate service agencies," and I would like to leave that part out.

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**From:** Grant, Peter  
**Sent:** Thursday, March 01, 2012 9:49 AM  
**To:** Flury, Kelley  
**Subject:** RE: Another amendment to SB 427

Hi Kelley,

In addition to your question, I'd like to know if DPI's attorneys think that this is legit under the state's pupil records law and under FERPA, the federal pupil records law. Would you like me to call and ask?

Peter

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**From:** Flury, Kelley  
**Sent:** Wednesday, February 29, 2012 5:04 PM  
**To:** Grant, Peter  
**Subject:** Another amendment to SB 427

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Can you please draft an amendment adding a #13 to the list of items that DPI's model school policy must contain and that is:

13. A statement that a school board may refer bullying incidents to law enforcement or appropriate service agencies.

DPI asked for this. I have an e-mail out to Jennifer Kammerud asking what is meant by "appropriate service agencies."

Kelley

**Grant, Peter**

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**From:** Flury, Kelley  
**Sent:** Friday, March 02, 2012 9:08 AM  
**To:** Grant, Peter  
**Subject:** RE: Another amendment to SB 427

That sounds good. Thanks.

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**From:** Grant, Peter  
**Sent:** Friday, March 02, 2012 8:52 AM  
**To:** Flury, Kelley  
**Subject:** RE: Another amendment to SB 427

Hi Kelley,

Two issues: First, I don't think that an ordinance violation would rise to the level that would allow reporting to a law enforcement agency under pupil records laws. (For instance, an ordinance could prohibit something like jaywalking.) Second, "if warranted" is a little vague and may conflict with other laws. For example, s. 48.981 provides that if a teacher has *reasonable cause to suspect* that a child has been abused or neglected, he or she must report the suspected abuse to a social service agency or law enforcement agency.

I suggest that the amendment read something like this: A statement that if a school board has reasonable cause to suspect that a bullying incident is a violation of a criminal law, it should report the incident to a law enforcement agency.

What do you think?

Peter

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**From:** Flury, Kelley  
**Sent:** Thursday, March 01, 2012 4:57 PM  
**To:** Grant, Peter  
**Subject:** RE: Another amendment to SB 427

Hi, Peter,

Can you please draft an amendment adding a #13 to the list of items that DPI's model school policy must contain and that is:

13. A statement that, if warranted, a school board may report a bullying incident to law enforcement to determine if a crime or ordinance violation was committed.

Kelley

Date (time) needed

TODAY  
~~Monday~~

LRBa 2560 / 1

# AMENDMENT

PK : cjs :

See form AMENDMENTS — COMPONENTS & ITEMS.

## (S) A AMENDMENT

TO S A AMENDMENT \_\_\_\_\_ (LRBa / ),

TO S A SUBSTITUTE AMENDMENT \_\_\_\_\_ (LRBs / ),

TO 20 11 (SB) SJR SR AB AJR AR 427 (LRB- / )

At the locations indicated, amend the \_\_\_\_\_ as follows:

(fill ONLY if "engrossed ..." or "as shown by .....")

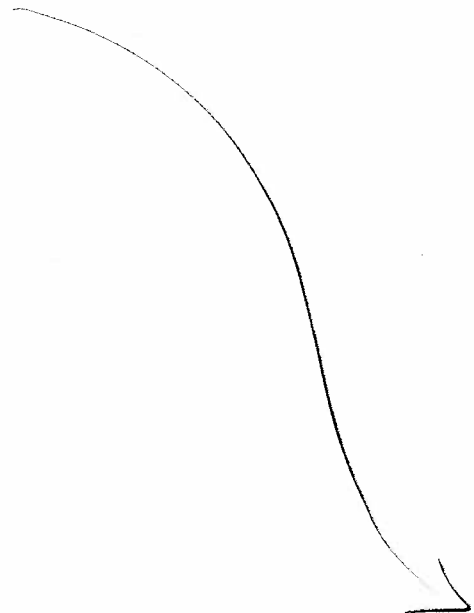
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~~outside~~

1 X

⑨ # Page <sup>3</sup> 3, line <sup>4</sup> 4: after that line insert:

⑨ ✓ sec. 3m. CR, 118.46 (1)(a) 13.

⑨ 118.46(1)(a) 13. A statement that <sup>if</sup> a school  
it should report the incident to  
board. It should report the incident to  
a law enforcement agency  
a law enforcement agency ✓

(End)

has reasonable cause to suspect that a  
bullying incident is a violation of a  
criminal law.