

**Assembly Committee on Education  
December 17, 2015**

**Department of Public Instruction Testimony  
Assembly Bill 517**

I want to thank Chairman Thiesfeldt and members of the committee for the opportunity to testify before you today on Assembly Bill 517 (AB 517). My name is Jeff Pertl, and I am the Senior Policy Advisor for the Department of Public Instruction (the department), and with me today is Steve Fernan, Assistant Director on the Student Services, Prevention, and Wellness Team.

Student safety has always been a top priority for our schools. Turn on the news and one understands instantly the wide array of student safety issues our schools must tackle. From bullying to sexual assault and from gang violence to domestic terrorism, the department, school leaders, educators, parents, and advocates have been on the front line of addressing school safety, and we welcome legislative efforts to improve school safety and outcomes for students.

While public reporting is an important part of an overall school safety strategy, the proposed bill as drafted presents numerous implementation issues and policy questions that should be addressed before the committee considers taking action.

**Policy Considerations: The proposed data elements need further analysis, particularly around collection feasibility and reporting accuracy.** To implement the bill, school districts will need the legal authority to collect law enforcement and court records, as well as a standardized reporting mechanism and business rules for data collection.

However, the proposed requirement for schools to *report* data does not necessarily confer the authority to collect that data, nor does it resolve issues around the confidentiality of juvenile records. Additionally, numerous policy questions remain about what constitutes a reported incident and how it should be applied, such as:

- Do incidents have to be verified before being reported?
  - If not, does every potential report to a principal result in a report without any verification or investigation?
- Are schools to report incidents when someone is suspected, reported on, or convicted (or found to be delinquent if they are a minor)?
  - Incidents reported are not the same as charges, convictions, or findings of delinquency, but the expected standard is unclear and could lead to great variations in reporting and data quality.
- If a school district hosts a community event or rents out a facility to a private group and an incident occurs that does not involve any students, are they required to report and count that incident because it took place on school grounds?

- If a school is hosting an athletic competition or extra-curricular event and an incident occurs involving students from multiple schools, how then should the incident be reported?
  - Would the incident count for both schools or only for the school where the incident took place?
  - If the incident were attributed to multiple schools, this would impact the quality of statewide reporting as incidents would be duplicated and inflated.

Additionally, there are a few other broad policy issues to consider. While the bill contains a provision to prevent the reporting of the identity of a pupil, this language should be aligned with other data privacy language that protects individually identifiable student data, while allowing the department access to that data.

Furthermore, if the legislative intent is to apply this requirement to all publicly-funded schools, then be aware that schools participating in the special needs scholarship program are not included in the current draft.

Finally, the committee should carefully consider how these or any other new reporting requirements might impact the report cards and data collection burden for schools. This is particularly relevant with the recent reauthorization of the Elementary and Secondary Education Act. Other legislative committees and advocacy groups have proposed additional data reporting that includes: career and technical education indicators; post-secondary enrollment; military entrance exam scores; extra-curricular activities; art, music, and physical education; and AP/IB class offerings.

**Implementation Considerations: There is insufficient capacity to add new reporting requirements until schools have successfully completed the student information system transition and educator effectiveness implementation.** The department and all publicly-funded schools are currently facing capacity challenges implementing several legislatively-mandated data collections. Over the last few years, an unprecedented amount of work has gone into WISEdata and other state reporting systems, including:

- new teacher identifier for public school educators;
- student identifier for choice students;
- coursework competition system;
- educator effectiveness; and
- WISEdash public and secure reporting portals.

At the same time, choice schools are busy implementing the local student information systems requirement and working to integrate into the state reporting system. Realistically, Wisconsin schools will not have the capacity to develop a new reporting system of this scale until 2017-18.

**Fiscal Considerations: New data collection and reporting will impose additional costs and consume staff resources.** The bill requires the department to build a new data reporting system that collects this data from all publicly-funded schools based on the uniform crime reporting system of the Wisconsin Department of Justice (DOJ), and then to report this safety data on the

school report cards. *No funds are appropriated to the Department or schools for this work.*

It is impossible to determine the state or local fiscal impact at this time, or whether the DOJ is even able to give the department access. The new reporting system will also require the training of school district, charter, and voucher school staff so they know how to use the new system.

Capacity for additional data reporting will be limited in the short-term. To ensure successful implementation and data validity, more planning and analysis is needed on the data elements and proposed reporting. The department recommends postponing action on this proposal until these issues can be thoroughly addressed. Additionally, the state could explore a pilot project to identify and resolve potential issues.

The department is committed to working with you on a comprehensive approach to school safety. Thank you again for the opportunity to testify today and at this time we would be happy to answer any questions you may have.



122 W. Washington Avenue, Madison, WI 53703  
Phone: 608-257-2622 Fax: 608-257-8386

John H. Ashley, Executive Director

TO: Members, Assembly Committee on Education  
FROM: Dan Rossmiller, Government Relations Director  
RE: Assembly Bill 517, relating to reporting crimes and other incidents that occur on school property, on school transportation, and at school sanctioned events  
DATE: December 17, 2015

Chairman Thiesfeldt and committee members, thank you for the opportunity to express our concerns about Assembly Bill 517. My name is Dan Rossmiller. I am the government relations director for the Wisconsin Association of School Boards (WASB), representing 423 school boards across the state.

School board members, parents, students, teachers, administrators, and members of the general public all have a shared interest in ensuring student safety. We take student safety and security seriously. That is why all public school districts have internal procedures to address student behavior issues, including suspension and expulsion policies, and why we work closely with law enforcement agencies in our communities.

Public schools DO NOT object to reporting information about dangerous or disruptive student behavior to the DPI or making that information public.

In fact, public schools already report a large amount of information about student behavior that results in suspensions and expulsions. This information, which includes the numbers of suspensions and expulsions; the reasons for which pupils are suspended or expelled, the length of time for which pupils are expelled, and whether pupils return to school after their expulsion, is reported to the DPI according to categories specified by the state superintendent. This information is collected as part of the Individual Student Enrollment System (ISES). It becomes part of the annual **school and school district performance report** under section 115.38, Wis. Stats., and is made public.

School districts must annually notify parents and guardians of their right to request copies of these **school and school district performance** reports and must provide them upon request. These reports must also be made available on the school district's website and must include a comparison of the school district's performance with the performance of other school districts in the same athletic conference.

Public schools DO have concerns about being required to report incidents over which they have no control and which may have little effect on student safety or health.

We agree that parents have the right to know how safe their child's school is; however, we are concerned that under Assembly Bill 517 the statistics included on the school report cards may not be an accurate reflection of the safety and security of a particular school or district. We outline our reasons below.

Our main questions and concerns with this bill are:

**1. The language in the bill lacks specificity.**

The bill requires all public high schools to collect and maintain statistics of *incidents* of a list of enumerated offenses that are *reported* to the principal, school security, or local law enforcement and that occur on property owned or leased by the school district in which the public high school is located; that occur on transportation provided by the school or school district; *or* that occur at an event sanctioned by the school or school district.

Under the bill, these statistics must be reported to the DPI whether or not: a) the original report was accurate; b) the original report leads to any school-related discipline or law-enforcement action; c) the alleged crime or incident was committed by a student or staff member of the school or district; and d) the alleged crime or incident occurred during the school day or even at a time when students were present or likely to be present.

**2. Because the bill is overly broad, this will lead to inaccurate reporting and duplication.**

By specifying the reporting of "incidents" the bill greatly increases the likelihood that particular occurrences will be double or even triple counted.

Rather than requiring reporting of incidents, it would be much better to rely on some indicator of the eventual disposition of the case, such as whether in-school discipline resulted, whether a citation was issued or an arrest was made, whether a prosecution/ adjudication occurred and/or whether a conviction /disposition was reached.

In some, and perhaps many cases, where the incident involves a minor offense, no arrest or conviction will occur. If no distinction is made between these incidents and incidents in which a serious legal consequence attaches to the incident, these statistics may present a distorted view of a school's safety climate. Further, the inclusion of disorderly conduct under a municipal ordinance among reportable incidents is also likely to present a distorted view of a school's safety climate. Realistically, there are numerous incidents of something that could be considered disorderly conduct that occur in every high school—probably almost every day. Why in the world does Section 1 of the bill lump disorderly conduct under a municipal ordinance with serious crimes against life and personal security--homicide, sexual assault and aggravated assault--as incidents that must be reported on school report cards?

The bill does not define what constitutes "statistics" of crimes or incidents. Is this just the number of incidents *reported* within each category or is more detailed information contemplated? Obviously, the more detail required, the more staff time that will be associated with gathering and inputting this information.

While this concern may be addressed by the rules the DPI would be required to promulgate under the bill, at this point school boards do not have a clear idea about how much detail may be required. Further, the legislative rule review process might alter whatever requirements the DPI proposes.

It would be helpful if lawmakers would spell out what degree of detail you have in mind with this bill (e.g., just the number of incidents in each category or more detailed information and reports?).

### **3. This bill amounts to an unfunded mandate on schools.**

This bill provides no funding to implement the new reporting requirement and no opportunity for a pilot program to test how this will work.

Compiling these statistics is likely to be time-consuming and complex. There will almost certainly be staff time and software costs associated with collecting, maintaining and reporting these statistics and probably glitches. Schools will likely have to add new data elements to their databases and make other modifications as existing student information system software likely does not allow schools to pull the information required for these reports. In addition, staff will have to be trained on how to collect, maintain and report these statistics and then will have to spend additional time doing the actual work of collecting, maintaining and reporting these statistics.

Principals or other school officials who are not trained in criminal law will have to make determinations about what category a particular incident or act would fit into. Making these determinations is further complicated because, as noted, the bill does not specify whether this categorization is based on how the act or incident is *reported* or how it is handled *after it is reported*. This means school officials will have to enter into a guessing game and/or seek the advice of law enforcement whenever they have questions.

Why are we putting this burden on school officials when law enforcement, the courts and the Department of Justice already have accurate statistics?

### **4. The costs of complying with bill's unfunded mandate are likely to vary widely but in many cases could be substantial for both schools and law enforcement.**

Large, urban schools will face higher costs than in smaller and more rural schools where people within the school community are more likely to know each other.

It is also likely that schools with school resource officers will receive more reports to law enforcement than schools without them. This will occur simply because of greater access and the ease of making reports to these officers. If this difference in reported incidents is significant, this could have the effect of making schools with such officers on duty look worse than they actually are and worse in comparison to schools without such officers.

Further complicating matters, certain behaviors may be handled differently by different jurisdictions. What constitutes disorderly conduct in one public high school in one municipality may not constitute

disorderly conduct in another high school in another municipality, even if the two schools are in the same school district.

The bill would also require schools to report on information they do not have and would have to obtain. Currently, information on incidents may be maintained in many formats, depending on the severity of the incident and whether it is one for which the school imposes disciplinary measures or this is handled by law enforcement. Thus, the information could be in a student's confidential behavioral record, found in a law enforcement agency's incident report or recorded in a citation issued by a municipality or in an arrest report.

Frequently, the information needed is in the hands of law enforcement agencies, the courts or the Department of Justice. There will be costs associated with gathering this information, which is not limited to incidents involving or directly affecting students but would also include adults not enrolled in the district. Because school districts often cross multiple municipal boundaries and even county boundaries getting this information may require schools to check with multiple law enforcement agencies.

According to information on the DOJ website, more than 415 law enforcement agencies across the state file monthly reports to the Uniform Crime Reporting (UCR) program on reported crime incidents, arrests, hate or bias crimes, assaults on police officers, and more detailed information on homicides and sexual assaults. Since schools do not have log-on access to the UCR they would have to rely on person-to-person contact with local law enforcement or the DOJ to get this information.

In the words of at least one police lieutenant who supervised school resource officers, "it will be a nightmare to pull the statistics for this report as there is no system that would be able to pull statistics consistent with how this bill is drafted." Local law enforcement agencies typically can pull incidents for each high school address, but it will take someone going through each report to determine if it fits within the requirements of the bill. This is just the law enforcement side. On the school side, as noted, it is unlikely that student information systems currently used by school districts will be able to pull statistics consistent with how the bill is drafted.

**5. The bill is inconsistent with the confidentiality afforded to pupil records under both state and federal law.**

In many cases, the information that AB 517 would require be collected and reported likely involves confidential pupil records. School staff will be required to review all information for accuracy and confidentiality prior to it being reported to the DPI. This will be an additional expense for school districts.

For all these reasons we *oppose* AB 517 as currently drafted.

We thank you for the opportunity to bring these concerns to your attention.

Kim Kaukl  
Executive Director  
1755 Oakwood Circle  
Plain, WI 53577  
Cell Phone: (608) 553-0689  
kimkaukl@wirsas.org



December 17, 2015

To Assembly Committee on Education:

Please accept my written testimony in opposition of **Assembly Bill 517** dealing with school safety reporting.

I would ask that you oppose **AB 517** regarding school safety reporting. I am writing to share my concerns with AB 517. As a former high school administrator for 31 years and in my present role working with rural schools, I see some serious flaws with this bill. First of all, I am not sure it is needed, currently; there is an annual report in place that districts have to file to DPI regarding serious offenses leading to suspension and expulsion. As for local reporting, most districts do let parents know about serious safety issues through messaging, newsletters and local media. I also see this bill causing problems in how schools and law enforcement handle certain situations, especially where there are School Resource Officers (SRO) in place. (In talking with our local SRO, he would concur with these concerns.) This bill may seriously impact the day to day operations in a building and how the collaboration between the school official and law enforcement deal with a situation. This bill may seriously limit the options a school would have to work with a student. The bill may also make some school district officials hesitant to report cases that may make them look bad and the possible communication break down between the schools and the SRO, local law enforcement. I also have concerns with confidentiality this reporting mechanism may have, especially when it comes to dealing with students with exceptional education needs. (Throughout my career, I would estimate that more than 50% of the cases where I needed law enforcement involvement were cases that dealt with special needs students.) My final concern is the extra layer of paperwork this will require either law enforcement and/or school districts to complete who are already dealing with serious under-staffing, especially in the rural areas.

In my opinion these are the points to be considered:

- Is this bill truly needed with present reporting mechanisms already in place?
- This can cause conflicts and poor working relations between schools and law enforcement.
- This bill will limit school district options in how they deal with students and use Positive Behavioral Intervention & Supports (PBIS).
- These decisions should be kept local and what is best for each community.
- Major concerns about student confidentiality and especially the impact on students with exceptional educational needs. (this is also an area Private and choice schools don't have to deal with, because they aren't required to provide exceptional educational services.)

I urge you to leave this to local decision making as each entity knows best what works for their communities. If I can be of further assistance, please let me know.

I urge you to leave this to local decision making as each entity knows best what works for their communities. If I can be of further assistance, please let me know.

Thank you for listening,

Sincerely,  
*Kim Kaukl*

Kim Kaukl  
Executive Director of the Wisconsin Rural Schools Alliance (WiRSA)