



2005 SENATE BILL 310

August 30, 2005 - Introduced by Senators KEDZIE, COGGS, CARPENTER, A. LASEE, WIRCH, BROWN, ZIEN, ROESSLER and LASSA, cosponsored by Representatives JESKEWITZ, LOTHIAN, KERKMAN, TURNER, FIELDS, DAVIS, LEHMAN, OTT, TOWNSEND, OWENS and POPE-ROBERTS. 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. The policy must define bullying, prohibit pupils from bullying, 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. 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. In addition, 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:

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

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1 118.02 (18) Wednesday of the 4th week in September, Bullying Awareness Day.

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

3 118.164 (2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher
4 may remove a pupil from the teacher’s class if the pupil violates the code of classroom
5 conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or
6 exhibits behavior that interferes with the ability of the teacher to teach effectively,
7 as specified in the code of classroom conduct. The teacher shall send the pupil to the
8 school principal or his or her designee and notify the school principal or his or her
9 designee immediately of the reasons for the removal. In addition, the teacher shall
10 provide to the principal or his or her designee within 24 hours after the pupil’s
11 removal from the class a written explanation of the reasons for the removal.

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

13 **118.46 Policy on bullying. (1)** By March 1, 2006, the department shall do
14 all of the following:

15 (a) Develop a model school policy on bullying. The policy shall do all of the
16 following:

17 1. Define bullying to include harassment and intimidation.

18 2. Prohibit pupils from bullying and provide penalties for bullying.

19 3. Include a procedure for reporting bullying that allows reports to be made
20 anonymously.

21 4. Prohibit reprisals for reporting bullying and provide penalties for such
22 reprisals.

23 5. Include a procedure for investigating reports of bullying. The procedure
24 shall identify the school district employee in each school who is responsible for

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

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

5 7. Identify when and where the policy applies.

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

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

9 **(2)** By August 15, 2006, each school board shall adopt and include in its code
10 of conduct a policy prohibiting bullying. The school board may adopt the model policy
11 under sub. (1) (a). The school board shall provide a copy of the policy to any person
12 who requests it. Annually, the school board shall distribute the policy, separately
13 from its code of conduct, to all pupils enrolled in the school district and to their
14 parents or guardians. Upon the occurrence of a bullying incident, the school board
15 shall distribute the policy to all pupils involved in the incident and to their parents
16 or guardians.

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

18 120.13 **(1)** (a) (intro.) Make rules for the organization, gradation and
19 government of the schools of the school district, including rules pertaining to conduct
20 and dress of pupils in order to maintain good decorum and a favorable academic
21 atmosphere, which shall take effect when approved by a majority of the school board
22 and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board
23 shall adopt a code to govern pupils' classroom conduct ~~beginning in the 1999-2000~~
24 ~~school year.~~ The code shall be developed in consultation with a committee of school
25 district residents that consists of parents, pupils, members of the school board, school

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1 administrators, teachers, pupil services professionals and other residents of the
2 school district who are appointed to the committee by the school board. The code of
3 ~~classroom~~ conduct may provide different standards of conduct for different schools
4 and may provide additional placement options under s. 118.164 (3). The code shall
5 include all of the following:

6 (END)