



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON SCHOOL SAFETY

FROM: Russ Whitesel, Senior Staff Attorney and Melissa Schmidt, Staff Attorney

RE: Legislation Relating to School Policies on Bullying

DATE: September 24, 2008

This Memo describes the provisions of 2007 Senate Bill 42 as well as to the changes to that bill contained in Senate Substitute Amendment 1 to 2007 Senate Bill 42. Copies of Senate Bill 42 and Senate Substitute Amendment 1 are enclosed. The legislation will be discussed at the October 7, 2008 meeting of the Special Committee.

### 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."

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 also 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**

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**

The bill was introduced on February 15, 2007 and referred to the Senate Committee on Education. A public hearing was held on the bill on August 23, 2007. Senate Substitute Amendment 1 was introduced on October 9, 2007 and recommended for adoption by the Senate Committee on Education on a vote of Ayes, 6; Noes, 1. The committee recommended passage of the bill on a vote of Ayes, 5; Noes, 2. The Senate, on November 8, 2007, adopted Senate Substitute Amendment 1 on a voice vote and passed the bill on the same day on a voice vote.

The bill was received in the Assembly on November 29, 2007, read a first time and referred to the Assembly Committee on Education. That committee held a public hearing on February 12, 2008 and subsequently, at an Executive Session, recommended concurrence on a vote of Ayes, 8; Noes, 2, on March 13, 2008. The bill was referred to the Committee on Rules but failed to pass concurrent to Senate Joint Resolution 1 by the close of the Biennial Session.

If you have any questions regarding this information, please feel free to contact either of us at the Legislative Council staff offices.

RW:MS:ty

Enclosures