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**Testimony in Opposition to Bullying Proposal in Senate Bill 154**  
**Assembly Committee on Education**  
**Julaine K. Appling, WFA President**  
**January 12, 2010**

Thank you, Chairman Pope-Roberts and other committee members for this opportunity to present testimony on a particular aspect of Senate Bill 154 (SB 154). Wisconsin Family Action (WFA) is opposed to the proposed “Bullying Prevention” portion of SB 154. We encourage you not to support it in committee or on a floor vote and to draft an amendment that withdraws the bullying provision from SB 154.

As drafted, the bullying portion of SB 154 requires each school district in the state to adopt a policy for preventing bullying, and requires the Department of Public Instruction (DPI) to create a model policy that boards can adopt. The bill also requires all school districts to participate in a “Bullying Awareness Day” to educate students.

Wisconsin Family Action opposes the bullying portion of SB 154 for the following reasons:

**1) *SB 154 is unnecessary.***

Although SB 154 gives the impression that students of Wisconsin schools are currently at the mercy of bullies, this is clearly not the case. According to the DPI over 400 school districts of the 426 already have rules and policies in place to protect pupils from bullying on school grounds, in school vehicles, and at school-related events. SB 154 is unnecessary because schools already have policies in place to punish the bad behavior of bullies. Why should the state add more bureaucratic red tape for something that local communities are appropriately taking care of?

SB 154 is also unnecessary because administrators and teachers should be at liberty to make decisions about a child’s behavior on an issue-by-issue basis. Instead of promoting a model policy that is so broad that students who ignore another student or students who share a disputable opinion with another student can be punished as a bully, the state should leave this area for school boards and administrations to handle for themselves, just as they have done for years.

**2) *SB 154 could have unintended consequences***

SB 154 currently does not include a definition of bullying. Instead the bill leaves the task of defining what a bully is to the DPI in its model policy. In 2007, DPI released its [Bully Prevention Policy Guidelines](http://63.134.222.9/wssca_docs/uploaded_documents/bullyingpolicyguidelines.doc) ([http://63.134.222.9/wssca\\_docs/uploaded\\_documents/bullyingpolicyguidelines.doc](http://63.134.222.9/wssca_docs/uploaded_documents/bullyingpolicyguidelines.doc)) in anticipation that a bill such as SB 154 could become law. Within these guidelines part of the department’s definition of bullying includes such things as “...verbal assaults, nonverbal or emotional threats or intimidation, social exclusion and isolation...[sending] intimidating messages...put-downs and name-calling.” DPI’s definition also states that bullying does not need to be a part of an ongoing conflict.

The current definition provided by DPI is dangerous because it is so broad and leaves open the possibility that any student who disagrees with another student or states beliefs that might be intimidating to a student could be labeled a bully and punished for his beliefs. While Wisconsin Family Action respects the intent of the authors and co-sponsors of this bill, we do not believe it is necessary or worth the risk of unintentionally impeding students’ freedom of speech in our schools.

Although DPI’s current definition does cover what a bully often does, it also includes many things that a student may not intend as bullying. This leaves open the possibility that students who are not being bullies could be punished as such. Under DPI’s definition, even expressing disagreement with another person on an issue or on personal behavior choice could likely constitute “intimidation.”

SB 154 also leaves open the possibility that DPI may change its definition, expanding it to include anything that a student might do that another student could find offensive or intimidating. It is highly possible that in the process of developing the model policy and when school districts actually adopt a policy, that certain groups will be given special protection while other groups will be unfairly discriminated against.

**3) *SB 154 is a shift away from local control.***

Although SB 154 does not require school districts to adopt DPI's model policy, this bill further removes control from the local school board to a statewide department by requiring schools to have a bullying policy and participate in a "Bully Awareness Day." This bill is also a shift away from local control because a model DPI policy often becomes widely adopted by school districts. A "suggested model policy" is really just a small step away from requiring all school districts to adopt that policy. At that point local control is essentially completely wrested on this issue.

***Summary and Recommendation***

To clarify, WFA is not opposed to rules and policies that punish bullies; but we do believe that SB 154 is unnecessary for the protection of our children from the school bully. The vast majority of Wisconsin's school districts already have policies and rules in place that deal with the problem of bullying, and it is unnecessary to centralize control in this area and promote a broad definition of bullying that might restrict school administrators, as well as restrict a student's right to voice his or her beliefs.

WFA believes there is better language that will provide appropriate anti-bullying policies while also protecting the First Amendment rights of all students (*attached*). If you have any questions or would like further information about the language we are suggesting, please don't hesitate to contact me. Thank you for your serious consideration of this important material. We urge you to amend SB 154 to eliminate the "bullying prevention" portion.

## **MODEL ANTI-BULLYING POLICY**

### **I. PURPOSE**

The [INSERT NAME OF SCHOOL DISTRICT] (the “District”) recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The District finds that bullying, like other disruptive or violent behavior, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe environment.

### **II. DEFINITIONS**

A. “Bullying” means systematic, repeated, or recurrent conduct committed by a student or group of students against another student that causes measurable physical harm or emotional distress. Verbal expression, whether oral, written, or electronic, is included within the definition of “bullying” only to the extent that (1) such expression is lewd, indecent, obscene, advocating for illegal conduct, intended to incite an immediate breach of peace, or the severe and pervasive use of threatening words that inflict injury; or (2) District administrators or officials reasonably believe that such expression will cause an actual, material disruption of school work.

B. “School Premises” means any building, structure, athletic field, sports stadium or other real property owned, operated, leased or rented by the District or one of its schools, including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school.

C. “School-Sponsored Functions or Activities” means a field trip, sporting event, or any other function or activity that is officially sponsored by the District or one of its schools.

D. “School-Sponsored Transportation” means a motor vehicle owned, operated, leased, rented or subcontracted by the District or one of its schools.

### **III. PROHIBITION**

The District prohibits all bullying on school premises, at school-sponsored functions or activities, or on school-sponsored transportation.

### **IV. REPORTING**

Any student who believes he or she has been or is currently the victim of bullying should immediately report the situation to the school principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate school administrator.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All complaints about bullying behavior that may violate this policy shall be promptly investigated.

If the investigation finds an instance of bullying behavior has occurred, it will result in prompt and appropriate disciplinary action. This may include up to expulsion. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be

tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

#### V. INTERPRETATION

This policy shall not be interpreted to infringe upon the First Amendment rights of students, and is not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.