



2009 SENATE BILL 202

May 14, 2009 – Introduced by Senators KEDZIE, COGGS, SULLIVAN, CARPENTER and SCHULTZ, cosponsored by Representatives YOUNG, BERCEAU, RICHARDS, BIES, LOTHIAN, STASKUNAS, SPANBAUER and SMITH. Referred to Committee on Education.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 118.02 (9w) and 118.46 of the
2 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 by pupils. The policy must 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 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 by pupils. 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.

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 (9w) of the statutes is created to read:

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1 118.02 **(9w)** Wednesday of the 4th week in September, Bullying Awareness
2 Day.

3 **SECTION 2.** 118.46 of the statutes is created to read:

4 **118.46 Policy on bullying. (1)** By March 1, 2010, the department shall do
5 all of the following:

6 (a) Develop a model school policy on bullying by pupils. The policy shall include
7 all of the following:

8 1. A definition of bullying.

9 2. A prohibition on bullying.

10 3. A procedure for reporting bullying that allows reports to be made
11 confidentially.

12 4. A prohibition against a pupil retaliating against another pupil for reporting
13 an incident of bullying.

14 5. A procedure for investigating reports of bullying. The procedure shall
15 identify the school district employee in each school who is responsible for conducting
16 the investigation and require that the parent or guardian of each pupil involved in
17 a bullying incident be notified.

18 6. A requirement that school district officials and employees report incidents
19 of bullying and identify the persons to whom the reports must be made.

20 7. A list of disciplinary alternatives for pupils that engage in bullying or who
21 retaliate against a pupil who reports an incident of bullying.

22 8. An identification of the school-related events at which the policy applies.

23 9. An identification of the property owned, leased, or used by the school district
24 on which the policy applies.

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1 10. An identification of the vehicles used for pupil transportation on which the
2 policy applies.

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

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

6 (2) By August 15, 2010, each school board shall adopt a policy prohibiting
7 bullying by pupils. The school board may adopt the model policy under sub. (1) (a).
8 The school board shall provide a copy of the policy to any person who requests it.
9 Annually, the school board shall distribute the policy to all pupils enrolled in the
10 school district and to their parents or guardians.

11 **SECTION 3.** 119.04 (1) of the statutes is amended to read:

12 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
13 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
14 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04,
15 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
16 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c)
17 to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46 (2),
18 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g),
19 (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and
20 120.25 are applicable to a 1st class city school district and board.

21 (END)