



Mary Lazich

President
Wisconsin State Senate

Senate Committee on Education
Senate Bill 492
January 21, 2016

Thank you Chair Olsen for scheduling Senate Bill 492 (SB 492) a public hearing, and thank you committee members for attention to SB 492. SB 492 creates a pilot program for tracking crime and student safety incidents within public school districts.

According to a report by the National Center for Education Statistics and the Bureau of Justice Systems, Wisconsin public school teachers are threatened or physically attacked more than their peers across the nation. During 2011-2012, 11.3% of Wisconsin teachers reported they were physically attacked by their students, and 13.7% of teachers reported they were threatened with injury by their students.

Unfortunately, the reports are largely anecdotal because Wisconsin lacks data to fully track and confront the problem. Local school districts collect data about suspensions, expulsions, graduation rates, test scores, and other variables. However, current state statutes do not require the Department of Public Instruction (DPI) to collect information about school crime and safety incidents, resulting in not having information about safety.

SB 492 creates a pilot program to ensure comprehensive, methodical reporting of crime and safety incidents within our schools. The program will inform parents about school culture, and provide information and tools for administrators to proactively address the problem of violence within schools.

During the 2016-17 school year, DPI will develop and operate the program in three school districts, all of varying size. The pilot program mirrors the federal reporting requirements for colleges and universities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. School districts will submit two reports to DPI that include anonymous, aggregate data about student safety incidents that occur on school district property, on transportation provided by the school district, and at a school district sanctioned event.

Parents, teachers, administrators and policy makers are entitled to public safety information to facilitate informed decision making. This program provides DPI and local school districts information to study methods for reporting and analyzing the data prior to expanding the program statewide. Understanding trends in location, timing, and the actors involved assists school districts to develop safety plans to mitigate issues.

I ask the committee approve SB 492. Thank you for your attention.



KEN SKOWRONSKI

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Dear Chairman Olsen and Members of the Senate Education Committee,

I would like to thank you for allowing me to speak today. It is with a great deal of hope that I address you today about the proposal put forth by Senator Lazich and I, Senate Bill 492. This bill gives us legislators a great opportunity to make our schools a better place for both students and teachers for years to come.

It is not uncommon for public school teachers to be threatened or physically attacked while performing their job. Unfortunately Wisconsin lacks the necessary data to fully track and confront this problem. Current state statutes do not require the Department of Public Instruction to collect information about school crime and safety incidents. Therefore, local school districts have little to no incentive to report incidents in a comprehensive manner.

Senate Bill 492 creates a pilot program for tracking crime and student safety incidents within public school districts. DPI will develop and operate the program during the 2016-17 school year in three school districts of varying size that are representative of the diverse communities in Wisconsin. As this is a new undertaking it is our belief that creating a pilot program is an integral first step.

It is important that we as legislators acknowledge that we cannot foresee every eventuality of the decisions we make and programs we implement. Through the use of this pilot program we will be able to evaluate successes of the program and make any necessary changes after reviewing the results of a one year pilot program. We are truly looking to make positive changes in our schools and after much discussion and research it is our firm belief that creating this pilot program is the best course of action.

Senate Bill 492 will allow us as legislators, as well as parents, teachers, and administrators, to address the issue of crime in our schools earnestly. This program will give us the information we need to make constructive changes in our schools so that teachers and students alike are in a safer learning environment.

Thank you for your time today,

State Representative

Ken Skowronski

82nd Assembly District.



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Senate Committee on Education
FROM: John Forester, Director of Government Relations
DATE: January 21, 2016
RE: SB 492 – Student Safety Incident Tracking Pilot Program For School Districts

Thank you Chairman Olsen and members of the committee for the opportunity to testify before you today on Senate Bill 492 (SB 492), relating to a student safety incident tracking pilot program for school districts.

School districts place a high priority on student safety and we believe that public reporting is a vital component of any school safety strategy. The SAA is testifying for information on SB 492.

Schools are already required to report certain disciplinary actions to the Department of Public Instruction (DPI). These concern pupil misconduct and involve application of standards that schools are charged with enforcing (e.g., a pupil can commit a crime on school grounds that results in their expulsion and that expulsion will, in turn, be part of a report to DPI).

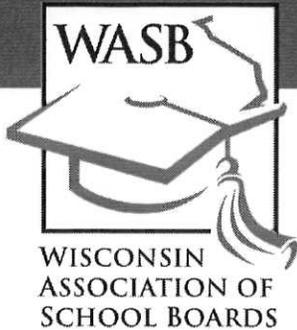
However, school districts are not charged with enforcement of the criminal law and do not have expertise in determining what conduct satisfies the elements of the identified criminal statutes. To do so would require significant training for the school personnel involved.

We don't have any concerns about the bill in this regard because it creates a three-district pilot program and district participation is completely voluntary. The bill also authorizes expenditure of existing DPI funds to develop and implement the pilot program, including to provide grants to the participating school districts. The fact that the pilot would include different size districts would be valuable in determining the challenges that districts of all sizes would face if the Legislature chose to require this type of reporting of all school districts.

I would like to make a couple points about the list of events about which participating school districts would be required to maintain records. I realize that the bill creates a small pilot program, but should the Legislature choose to take this concept statewide, then the inclusion of ordinances and bullying would make comparisons among school districts inaccurate and potentially misleading.

Finally, I have a couple of questions regarding the application of the reporting requirements. The bill allows that incidents may be reported anonymously to the school district. Is it intended that the school district verify the incident before reporting on it? And, regarding the use of the term "a crime" in Section 3 of the bill, will districts be required to report on situations in which individuals were charged with a crime or convicted of a crime?

Thank you again for the opportunity to testify today.



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John H. Ashley, Executive Director

TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, Government Relations Director
RE: Senate Bill 492, relating to a student safety incident tracking pilot program for school districts
DATE: January 21, 2016

On behalf of the Wisconsin Association of School Boards (WASB), and the 423 school boards across the state that we represent, thank you for the opportunity to express our concerns about Senate Bill 492. We provide this information for information only.

Please be assured that school board members take student safety and security seriously. Public school boards and districts have internal policies and procedures to address student behavior issues, including suspension and expulsion policies, and work closely with law enforcement agencies in our communities.

Senate Bill 492 would create a voluntary one-year pilot program in the 2016-17 school year under which three school districts who participate in the pilot program voluntarily would have to maintain records of crimes and other incidents, such as bullying and violations of local ordinances, that occur on school district property, on transportation provided by the school district, or at a school district sanctioned event.

We appreciate that this bill provides an appropriation from which the pilot program would be funded; however, we are concerned that it appears the bill provides no new or additional funding to the Department of Public Instruction (DPI) for this pilot program, but simply reallocates money currently allocated to the DPI for other purposes.

We also appreciate the participation in this pilot program by school districts would be entirely voluntary. No district would be *required* to participate in the pilot program and no district would be *required* to maintain records of crimes and other incidents as required of pilot program participants under the bill.

The bill creates three groups of school districts eligible to participate in the pilot program based on school district enrollment. The group that includes the lowest-enrollment districts includes districts with enrolments up to 3,000 students. Given that the median district enrollment in Wisconsin is about 950 students, the authors may want to rethink how these categories are defined. The vast bulk of Wisconsin districts will fall into that lowest category.

We have a number of concerns that do not necessarily apply to the pilot program itself, but should be considered (and would apply) if the intent of the bill and the pilot program it creates is ultimately to facilitate the creation of a statewide incident tracking program.

For example, the bill would require schools participating in the pilot project to maintain a record of and report on any and all “events” that occur on property owned or leased by that school district, on pupil transportation to and from school provided by the school district, or at a school district sanctioned event.

The double use of the word “event” is potentially confusing, especially since “event” as used in the first instance is not defined. Further a school cannot report on events it does not know about. There should be some clarification about this, perhaps clarification as to whether the school either has to have some knowledge that an “event” has occurred or that it must be reported to the school or to law enforcement in order to become subject to the requirements under the bill. Perhaps, it should be reported if it triggers either school-based disciplinary action or a law enforcement response.

It is also unclear how broad in scope a school district’s obligations under the bill are. Does a “school district sanctioned event” under the bill include events that occur on *another* school district’s property (e.g., an away game)? If so, this should be clarified.

Many schools own or lease land that is rarely used for teaching purposes, such as school forest land, for example that may be located miles from the district’s other school facilities. While requiring schools to maintain a record of events that occur on school forest land may be acceptable for the purposes of a voluntary pilot program, we are concerned that if the intent of the pilot program is ultimately to facilitate the creation of a statewide incident tracking program, this degree of detail in the reporting could become expensive without contributing much to the public’s knowledge about student safety, security and well-being in the school setting.

We note that under current law each school district defines “bullying” in its own bullying policy. While districts are required to adopt a bullying policy, they do not have to adopt the DPI’s model bullying policy or a uniform definition of bullying. While this situation is acceptable for the purposes of establishing a voluntary pilot program, we are concerned that if the intent of the pilot program is ultimately to facilitate the creation of a statewide incident tracking program, this lack of uniformity could make comparisons between districts inaccurate or misleading.

Requiring schools to report on any “event” involving a violation of an ordinance enacted by a city, village, town, or county is also problematic. Violations defined under these ordinances and the enforcement of those ordinances may vary widely across the state. While it is acceptable for the purposes of establishing a voluntary pilot program, we are concerned that if the intent of the pilot program is ultimately to facilitate the creation of a statewide incident tracking program, this lack of uniformity could make comparisons between districts inaccurate or misleading.

This leads us to another point. Under the bill schools that agree to participate in the pilot program would be required in many instances to report on information they do not have and would have to obtain.

Frequently, this information will be in the hands of local, county or state 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.

In addition, we note that in many cases, the information Senate Bill 492 would require to be collected and reported will likely involve confidential pupil records. School staff will be required to review all information for accuracy and confidentiality, including redacting all personally identifiable information, prior to it being reported to the DPI. This will be an additional expense for school districts.

While the concerns described in the two preceding paragraphs are not necessarily an issue for the purposes of establishing a voluntary pilot program in which participating school districts' costs are covered in whole or in part, we are concerned that if the intent of the pilot program is ultimately to facilitate the creation of a statewide incident tracking program, unless additional funding is provided, such a statewide incident tracking program could operate as an unfunded mandate on school districts.

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

Senate Committee on Education
January 21, 2016

Department of Public Instruction Testimony
Senate Bill 492

I want to thank Chairman Olsen and members of the committee for the opportunity to testify before you today on Senate Bill 492 (SB 492). My name is Jennifer Kammerud, Policy Advisor for the Department of Public Instruction, 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. We know that children who do not feel safe at school can suffer academically. Providing those safe learning environments within our schools so that our teachers can focus on closing achievement gaps and increasing opportunities is of paramount importance to the department and schools across the state.

Student Safety Incident Tracking Program

Under this bill, the Department is required to operate a one-year pilot program to track student safety incidents in three school districts. Those districts are described in the bill by membership size to include:

1. A school district with less than 3,000 pupils.
2. A school district with 3,000 to 6,999 pupils.
3. A school district with 7,000 or more pupils.

This bill directs the Department to establish procedures for school districts to apply to participate in the pilot program. School district participation in the pilot program is voluntary.

Maintaining a Record of Incidents

SB 492 requires the pilot school districts to maintain a record of incidents that occur on property owned or leased by the school district, on transportation provided by the school district, or at a school district sanctioned event. Incidents to be reported include:

- A crime.
- A violation of state or federal criminal law that results in a referral for a proceeding under subchapter V of chapter 938 of the statutes.
- A violation of an ordinance enacted by a city, village, town, or county.
- An incidence of any of the following that involves a pupil:
 - Harassment, as defined in section 813.125 (1) of the statutes.
 - Bullying, as defined in the policy the school district has adopted under section 118.46 (2) of the statutes.

The record maintained by a school district participating in the pilot program must include details related to each incident to the extent known by the school district, including the time, date, location, and nature of

the incident, the age and identity of each individual involved in the incident, any referrals to or involvement of other state or local agencies, and the result of any proceeding related to the incident. Any of the incidents described above may be reported anonymously to the school district.

Reporting Requirements

A school district that participates in the pilot program under this subsection is required to submit two reports to the Department of Public Instruction that include aggregate data derived from the record maintained by the school district. The school district shall submit its first report to the Department no later than January 31, 2017, and must include in the report aggregate data for incidents that occur from July 1, 2016, to December 31, 2016.

The school district must submit its second report to the Department no later than July 31, 2017, and include in the report aggregate data for incidents that occur from July 1, 2016, to June 30, 2017.

The Department must then report no later than February 15, 2017, to the legislature aggregate data compiled from participating school districts' first reports. By no later than August 15, 2017, the Department is required to report to the legislature aggregate data compiled from participating school districts' second reports.

Implementation Considerations: A new data collection of this magnitude will require significant work on the part of the Department and local school districts to implement and would likely be unavailable until at least 2017-18.

In order to provide greater certainty and uniformity in implementation the Department would recommend clarification on the following topics:

- It is unclear if the use of "a crime" in section 3 refers to whether an individual was charged or convicted of a crime. Further, data related to juvenile court actions are not readily available and cannot be shared without a consent for release of that information being provided by the parents. While aggregate data might be shared on law enforcement agency actions, the dispositions of such cases may or may not result in a conviction or a finding of delinquency, which could prove difficult if not impossible to track. Therefore, a report of a "crime" being committed may end up being unfounded and would make such data inaccurate.
- The term "extent known by the school district" may be problematic for school officials since details may not be known except by other parties such as law enforcement. Using "made known to the school district" in its place would provide greater clarity.
- Allowing anonymous reporting without verification does not provide school districts the opportunity to ensure the reported events or incidents are factual. Without verification there is a risk that false accusations may be included in the record thereby diminishing the accuracy and usefulness of the data.
- Collection of easily obtainable, and well defined data, would make this pilot easier to conduct and would result in more accurate data that could then be used to improve school safety and to focus efforts where they could be most effective. Requiring ongoing tracking of data that may be unreliable, difficult to gather, and subject to change (from report to arrest to disposition), may not be as helpful as we would all hope.

The department is committed to ensuring that all of our students attend a school that is safe, welcoming, and nurturing. Thank you for being our partner in that conversation. We are happy to answer any questions.