

## **TESTIMONY REGARDING SB 42**

by

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As many of you know, Disability Rights Wisconsin (DRW) is Wisconsin's protection and advocacy agency for people with disabilities. In my position at DRW, I focus much of my attention on special education. It is with that experience that I am submitting this testimony regarding SB 42.

It is truly refreshing to see that the legislature is, once again, seriously considering doing something to prevent bullying in our schools. Bullying is a very serious issue, and it is particularly serious for vulnerable students, many of whom have disabilities. Indeed, I have represented students who have been bullied to the point of considering suicide.

Accordingly, DRW supports all of the anti-bullying provisions contained in this bill, except for the one found in Section 2 of the bill, which expands the ability of teachers to remove children from their classrooms. DRW has always opposed allowing school teachers to remove children from their classrooms in an unfettered manner. While they may have good reason to do so, and bullying may be a good reason, they may also choose to do so arbitrarily. Accordingly, discipline of students should remain with school administration.

Moreover, this bill will expand the power of teaching staff to violate a child with a disability's Individualized Education Plan (IEP), which may have a Behavior Intervention Plan (BIP) that calls for specific responses to inappropriate behavior, which have been agreed upon by the child's IEP team, which includes the child's parents. Thus, passage of this bill could easily result in denying a child with a disability his or her right to a free appropriate public education (FAPE) as guaranteed by both state and federal law.

School districts should be very concerned about the ability of a teacher to violate a child's IEP, and thereby expose the school district to legal liability for doing so.

Accordingly, DRW supports SB 42 if Section 2 is deleted from the bill.