

To: Representative Thiesfeldt, Chair, and Members of the Assembly Committee on Education
From: Disability Rights Wisconsin, Sally Flaschberger, Lead Advocacy Specialist
Re: For Information Only - AB1, AB2, AB3, AB4, AB5, AB6
Date: March 20, 2018

Thank you for the opportunity to provide comments on the package of bills being considered to keep schools safe in Wisconsin. Disability Rights Wisconsin is encouraged to see an increased discussion around school safety with a possible \$100 million investment. Multiple proposals have come forward over the last several weeks and the State seems ready to take action to keep students in our schools safe. DRW provides testimony for information only today to share the perspective of students with disabilities on this topic and to share how these proposals could affect students with disabilities.

DRW encourages any final proposal to be flexible and sustainable and one that takes a comprehensive approach to supporting students. All of these proposals should come from a well-vetted process that allows public input from families across the State on the best ways to protect their local school. The legislature should slow down the process and allow for robust input from around the state before making such an important investment.

Disability Rights Wisconsin supports increases in funding for behavioral and mental health and climate and culture proposals suggested by the Department of Public Instruction. The most recent budget included a modest increase for mental health staff, mental health collaborations, and training around mental health screening including trauma informed care. We support the increase to \$25 million in these areas with continued funding in the future to support children in Wisconsin. DPI's proposal also included creating a new categorical aid investment in climate and culture. This would include important services such as suicide screening, wrap-around services, and behavioral systems of supports. By creating a new categorical aid, this funding would continue into the future to help protect our students and school.

Disability Rights Wisconsin strongly recommends an increase in special education categorical aide from 26% to at least 30%. Special education funding has remained flat for a decade, putting greater pressure on teachers and schools to meet the needs of students with disabilities. Students with disabilities continue to have unmet needs in our schools, leading to greater behavioral challenges and being socially isolated. An increase in funding will help our educators be better prepared to work with students with the greatest needs and provide a safer environment for all.

Disability Rights Wisconsin encourages legislators to look to the community for additional supports for children. Our state has robust programs to support children with disabilities but families face barriers to get the needed services. These services provide support in the community and school and can provide those needed wraparound services. The state should consider a "no wrong door" approach for families to be able to access services. This presents an opportunity to invest in re-vamping our support systems for children with disabilities to be sure as many children as possible access needed services.

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AB1- Relating to: grants to schools for school safety and safety-related upgrades to school buildings, equipment, and facilities; providing an exemption from rule-making procedures; and making an appropriation.

The bill creates a large investment in school safety, which includes adding armed guards or additional school resource officers in Wisconsin schools. While this one-time investment may lead to better school safety, it may also have the unintended consequence of disproportionately subjecting students with disabilities to additional contact with law enforcement for behaviors that are often a direct result of a student's disability. Students with disabilities are already subject to arrest in our public schools. Wisconsin ranks third in the country for police involvement for students with disabilities. By allowing the additional school resource officers, the bill creates new avenues for students with disabilities to be subject to the school to prison pipeline.

The bill does not clearly set out the roles of these armed guards and the training they would receive related to students with disabilities. Students with disabilities communicate in a number of different ways and if school resource officers or armed guards do not receive proper training on working with students with disabilities, a situation may become unnecessarily unsafe if the student's communication is misinterpreted. Parents of children with disabilities report concern at the thought of untrained armed guards interacting with their child who may exhibit behavioral challenges at school.

DRW recommends the removal of armed guards and additional school resources officers from the bill and shifting the investment to mental health services, special education funding, and re-vamping the access points to children's disability services.

AB3- Relating to: mandatory reporting of suspected intent to carry out violence involving a dangerous weapon or explosive in or targeting a school and providing a criminal penalty.

DRW raises concerns with the mandatory reporting requirements in the bill. The idea may be well-intentioned, but the bill lacks important details for implementation. These changes could lead to over-reporting of students with disabilities who have no intent to cause harm but may unintentionally or without understanding make statements perceived as a threat of violence. The special education teacher, therapist, or healthcare provider would have no leeway to make a professional judgement call of whether the child has the intent. All current mandated reporters would be required to report threats of violence (with a dangerous weapon or explosive device) made to a school to law enforcement. These reports would again increase contact between students with disabilities and law enforcement, which may not be appropriate. The implementation of this policy would require extensive training in order to be able to understand what threats of violence are and how to work with students with disabilities in determining whether there is "reasonable cause."

AB4- Relating to: the Department of Public Instruction's model school policy on bullying pupils.

The U.S. Department of Education states in their tip sheet on bullying, "Children with physical, developmental, intellectual, emotional, and sensory disabilities are more likely to be bullied than

their peers. Any number of factors— physical vulnerability, social skill challenges, or intolerant environments— may increase their risk.” Studies have shown that students with ADHD, Autism Spectrum Disorder, epilepsy, hemiplegia, diabetes, learning disabilities and speech and language disorders have been subject to significant bullying by peers. DRW agrees we need a more robust bullying policy in schools. Parent notification within 48 hours is one step in the right direction. DRW recommends the following changes be included in the policy:

- Include bullying by electronic means (i.e. email, social media, and text messaging) into the model policy;
- Written notice to parents on any bullying or harassment incidents;
- Add a definition of harassment to include harassment as a form of discrimination for a protected class;
- Add a provision that all complaints must be documented in writing, even when made verbally to school staff and a record must be maintained;
- Add a specific timeline for the investigation of a bullying complaint to 10 days;
- Add a provision that requires a written report be provided to the complainant at the end of the investigation;
- Add a specific appeal process to District Administration, School Board, and DPI in that order if parents disagree with the findings of a bullying complaint; and
- Add a requirement for the school personnel to amend the complaint from a bullying complaint to a harassment/discrimination complaint and inform the parent or guardian their rights under Section 118.13, Wis. Stats. and PI 9, Wis. Admin. Code).

These additional requirements will help to more accurately identify bullying and harassment in our public schools.

AB5-Relating to: School Safety Plan

School safety plans should be required to include the specific provisions for students with disabilities. Students with the most significant disabilities, including intellectual and physical disabilities, will face barriers to follow the school safety plans or the ability to access safe environments. Schools districts need to be required to consider every contingency to protect their most vulnerable students.

Thank you for the opportunity to testify today. We hope to continue to work with members of the legislature in creating a safe school environment for all students, including students with disabilities.

Disability Rights Wisconsin is the federally mandated Protection and Advocacy agency for the State of Wisconsin.