

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

COMMITTEE ON EDUCATION

Minutes of Special Meeting
Thursday, February 17, 2011
House Hearing Room 3 -- 11:30 a.m. or upon adj. of AW, JUD, TI and TRANS

Chairman Goodale called the meeting to order at 12:41 p.m. and attendance was noted by the secretary.

Members Present

Mrs. Carter
Mr. Court
Mr. Crandell

Mr. Fillmore
Mr. Meyer
Ms. Proud

Mrs. Tovar
Mrs. Yee, Vice-Chairman
Mrs. Goodale, Chairman

Members Absent

Mrs. Pancrazi (excused)

Committee Action

HB2415 - DPA (6-1-0-3)

CONSIDERATION OF BILLS

HB2415 - schools; bullying policies - DO PASS AMENDED

Vice-Chairman Yee moved that HB2415 do pass.

Stephanie Jaffa, Majority Research Staff Intern, explained that HB2415 outlines additional reporting, disciplinary and student-protection procedures to be adopted by school districts for bullying incidents (Attachment 1).

She indicated that the Yee 15-line amendment to HB2415 (Attachment 2) contains the following provisions:

- Clarifies that an employee is obligated to report only those bullying and harassment incidents that are known to the employee.
- Requires school officials to provide all pupils with a written copy of the rights, protections and support services available to bullying victims at the beginning of each school year. The school must then provide this information to any alleged victims when an incident is reported.

- Requires the school to redact all individually identifiable information from materials documenting an incident, if those documents are provided to persons other than school officials or law enforcement.

Ms. Jaffa explained that the Meyer 10-page amendment to HB2415 (Attachment 3) contains the following provisions:

- Requires the State Board of Education (SBE) to develop and adopt a model policy on bullying and harassment, which will apply to kindergarten and grades one through twelve.
- Requires the SBE to direct the Arizona Department of Education (ADE) to develop procedures for school districts to report incidents of harassment and bullying, reporting and responding to a school district's failure to adopt the prescribed bullying policy, the publication of statewide statistics on bullying and harassment and the filing of complaints regarding the failure of school districts to enforce the prescribed bullying policy.

In response to a query, Ms. Jaffa advised that the bill applies to bullying that occurs anywhere associated with schools, such as school buses, school grounds, school bus stops, school concert events and the like, but not by electronic means.

Mr. Fillmore surmised that the bill deals with the response to harassment and bullying rather than defining harassment and bullying.

Mrs. Yee, sponsor, responded that the primary focus of HB2415 is to allow school districts to determine how to further define *bullying* in school district policies, whether it is by electronic media or other ways, and determine disciplinary action at the local level.

She submitted that bullying on school grounds is a serious issue, not only in Arizona, but across the country. An article in *USA Weekend* discussed the increase in bullying, and 25 percent of all U.S. students have experienced some form of bullying on school grounds. She was approached by a constituent last year whose son was seriously assaulted in the first few weeks of high school. She opined that children need to feel safe in school so they can learn. For far too long, bullying has been tolerated. Children who bully in school grow up to be bullies in the workplace, and it has to stop.

She added that HB2415 requires reporting when an incident is seen, so new accountability is placed on adults on school grounds from teachers, principals, administrators to janitors who might see something in the bathroom, or athletic coaches, as well as parents and students. Files of reported incidents will be kept for five years in order to be able to capture whether a bully is continuing the behavior, and if the student transfers to another school, administrators at the new school will be able to access the student's file.

In response to a question, Mrs. Yee indicated that the stakeholders, including the Arizona School Boards Association, the Arizona Education Association, students, parents, teachers, law professors and law students asked that the records be retained for five years, but she is willing to make it a permanent record. The bill does not limit the length of time to five years, so school districts can go beyond that.

Mr. Fillmore commented that he has a problem with the verbiage in the definition of *bullying* on page 6, lines 9 through 12, and asked how *embarrassment* is defined since it does not always mean the same thing to everyone. Mrs. Yee answered that the Yee 15-line amendment removes that language based on discussions with stakeholders.

Mr. Fillmore asked how local school boards can ensure that everyone is given a “fair shake” and not discriminated against based on race, etc., and how teachers are expected to monitor this. Mrs. Yee responded that there are numerous ways a school district can help teachers identify bullying, and if citizens do not like the definition that is developed, they can choose not to re-elect the school board members at the next election cycle.

Mr. Fillmore submitted that “kids will be kids” and it is impossible to legislate “nannyism.” Because of the political correctness of society, it has gotten to the point that words have ramifications; writing this into legislation will teach children to be quiet in a free society, which is not right.

Zach Tretton, Assistant Director of Policy Development and Government Relations, Arizona Department of Education (ADE), spoke in support of HB2415. He related that current law authorizes school districts and school boards to enforce their own policies and procedures regarding bullying. ADE created the Arizona Safety Accountability for Education (Az SAFE) program and under the *No Child Left Behind (NCLB) Act*, there is a federal definition of *bullying* that ADE recommends school districts use; however, it is not a requirement. School districts are required to report bullying incidents that meet the federal definition to ADE.

Mr. Fillmore speculated that 228 school districts could suddenly be in violation of federal law by adopting different bullying policies. Mrs. Yee responded that it is not a requirement to adopt the federal definition. It is a guidance measure for school districts to use as a model, so school districts would not be in violation of federal law if that definition is not used.

Ms. Proud opined that discipline has been eliminated in schools and parents are not allowed to discipline children in their homes anymore, which is why bullying is such a problem. Mrs. Yee replied that it is not possible to legislate what parents do in their own homes with respect to lack of discipline.

Mr. Crandell remarked that HB2415 allows school districts to keep records on students that are chronic problems and tell parents about the consequences. Every school district is different in population, but using guidelines from the *NCLB* means dealing with issues that relate to New York City in Heber, when one shoe does not fit all. This bill allows the ability to identify and track incidents and develop policy guidelines on how to deal with those at the local level.

Mr. Fillmore expressed concern that teachers, who are woefully underpaid, will be the law enforcement officer, the judge, the jury, the identifier and the accuser, and it will take time away from teaching. Teachers are human and have biases and prejudices. A child could be stigmatized regardless of the amount of incidents during the five years.

Jennifer Anderson, Majority Research Analyst, advised that current statute allows school districts to develop policies to deal with incidents of bullying, harassment and intimidation. The bill implements further procedures school districts must follow for documentation and

disciplinary purposes. The federal definition of *bullying* is for data tracking purposes only. School districts have to report incidents that match that definition to ADE to report them to the federal government; however, school districts can modify that definition in order to deal with incidents in their local schools, and in that case, the extra outliers would not be reported to ADE to report to the federal government.

John Baba, representing self, related an incident involving his 14-year-old son who was beaten by a bully in the cafeteria in high school until he was unconscious. After researching the assailant, he found out that he was 17-and-a-half years old and he was wearing a GPS tracking device. He had been expelled from a school district in Gilbert and he was on probation for criminal damage to the car of a student who would not fight him. He and others in the community were upset about the way the situation was handled by the school, so he hopes this bill will put protocols in place to help children.

Cruz Ramirez, Legislative Intern/Law Student, Arizona State University, representing self, spoke in favor of HB2415. He related that when he was in high school, his friend from Bible study killed himself. He knew that his friend was bullied and he does not believe it was handled appropriately by the school. He was encouraged to write a law, with the aid of groups representing the schools, teachers, Republicans and Democrats, and the result is this legislation, which will protect all students and all schools by requiring employees to report bullying and inform students of their rights and available support services.

Betty Garcia-Pendley, President, Arizona Parent Teacher Association (PTA), stated that in June 2010, the National PTA passed a resolution against bullying (Attachment 4). She expressed support for HB2415 with the Meyer 10-page amendment.

Vice-Chairman Yee announced the names of those who signed up in support of HB2415 but did not speak:

Beth Sauer, Government Relations Analyst, Arizona School Boards Association
Lisa Blackhorse, parent, representing self
Becky Hill, Scottsdale Unified School District
Sherri Smith-Dodgson, representing self
Jennifer Loreda, Arizona Education Association

Vice-Chairman Yee announced the names of those who signed up as neutral on HB2415 but did not speak:

Vince Yanez, Executive Director, State Board of Education

Clorinda Lozano, representing self, Peoria, spoke in support of HB2415. She talked about a child named Angel who was taunted and bullied almost daily by children at school because she was overweight. She provided a handout titled *Bullying is Not a Fact of Life* (Attachment 5).

Daniel Burke, representing self, stated that he and a friend were bullied, and there is nothing worse than going to school having to watch your back every second. He saw his friend get beaten up very badly and tried to do something about it, but nothing happened. He ended up taking lessons to defend himself and his friend, but fortunately, it was not necessary. He asked the Members to consider how bullying affects children, the community, friends and families.

Vice-Chairman Yee moved that the Yee 15-line amendment to HB2415 dated 2/16/11 (Attachment 2) be adopted. The motion carried.

Mr. Meyer explained that the goal of the Meyer 10-page amendment (Attachment 3), which he will not offer, is to make sure there is a statewide model that can be used, but a law is not needed to do that; it can be done by stakeholders or ADE. Also, to ensure there is a way to have an issue addressed if someone does not believe it was addressed appropriately by the school district.

Vice-Chairman Yee moved that HB2415 as amended do pass. The motion carried by a roll call vote of 6-1-0-3 (Attachment 6).

Without objection, the meeting adjourned at 1:32 p.m.

Linda Taylor, Committee Secretary
March 14, 2011

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)