

**Assembly Committee on Education  
February 10, 2016**

**Department of Public Instruction Testimony  
Assembly Bill 773**

I want to thank Chairman Thiesfeldt and members of the committee for the opportunity to testify before you today on Assembly Bill 773 (AB 773). 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**

AB 773 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.