

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Thursday, March 26, 2015

TIME: 2:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Mortimer, Vice Chairman Thayn, Senators Keough, Nonini, Patrick, Souza, Den Hartog, Buckner-Webb and Ward-Engelking

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Mortimer** convened the meeting at 2:00 p.m.

H 245: **Representative Van Orden**, District 31, presented **H 245**; the removal of education restrictions for foreign exchange students. She explained this legislation would remove the words that restrict foreign exchange students from taking advanced placement (AP) classes and aligns code with current practices.

MOTION: **Senator Patrick** moved to send **H 245** to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion passed by **voice vote**. Senator Patrick will carry the **H 245** on the floor.

HCR 21: **Vice Chairman Thayn**, District 8, presented **HCR 21**; rejecting rules of **Docket No. 08-0203-1406**. He explained that this is to codify the rule rejections that were made by the House.

MOTION: **Senator Keough** moved to send **HCR 21** to the floor with a **do pass** recommendation. **Vice Chairman Thayn** seconded the motion. The motion passed by **voice vote**. Vice Chairman Thayn will carry **HCR 21** on the floor.

HCR 22: **Vice Chairman Thayn**, District 8, presented **HCR 22**; rejecting rules of Section 004. Subsection 03 only of **Docket No. 08-0202-1402**.

MOTION: **Vice Chairman Thayn** moved to send **HCR 22** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion passed by **voice vote**. Vice Chairman Thayn will carry **HCR 22** on the floor.

H 246: **Senator Ward-Engelking** presented **H 246**; relating to harassment, intimidation, and bullying. As a teacher, she has seen many instances of harassment in the classroom and school grounds. She emphasized that social media is making bullying even easier; it is far reaching and doing so much more harm. **Senator Ward-Engelking** explained that the current bill has allowances in it for the perpetrator to get help. She said that during the recession the funding for counselors and professional development was cut. This bill has provisions for professional development options in the local school districts.

Representative Rubel, District 18, explained this bill is an update to an original bill that began last year. She explained her interest and research into this topic and found that bullying is far reaching and devastating. She highlighted the book "Bullycide" written by an Idaho mother about the loss of her child and the destructive consequences of bullying. **Representative Rubel** detailed the statistics of what happens to students that are bullied. She stated that one out of every ten students will drop out or change schools due to bullying, and Idaho is 6th in the nation for teen suicide. Idaho is one of the last states to have any type of legislation to address the issue. She concluded by outlining the benefits and results of a good school based anti-bullying program.

Representative McDonald, District 15, explained the reason he has promoted this legislation is because of the disastrous effects bullying has on the person and also the community. He explained that those being bullied experience post-traumatic stress disorders (PTSD) much like police officers or those in the armed forces. He described the physical symptoms which can lead to poor school and/or job performance. He also stated that he was concerned for society as a whole, because those that have been bullied can become bullies or can lash out at society. **Representative McDonald** said that what happens to the victims of bullying needs to be understood, and it is time to protect the victims.

TESTIMONY:

Jacob Giffin, student, is in favor of **H 246**. He outlined the U.S.'s journey of freedom from tyranny. He stated that there is no difference between bullies and tyranny, and asked that people not concede to bullying. He concluded by saying that being bullied is not a builder of character.

Vice Chairman Thayn asked if he deals with bullying in school and wondered how much occurs in school and how much is on social media sources. **Mr. Giffin** said that it is tolerated in the schools, and teachers and administrator don't seem to be stepping in to stop the bullying. He explained in regards to social media, there is no break from the bullying and it is farther reaching; it goes to people that the victim doesn't know.

Jess Harrison, Policy and Government Affairs Officer, Idaho School Boards Association, said this bill is the best version of legislation dealing with bullying, harassment and intimidation and asked that **H 246** be passed. She stated that this ties the activities with the school setting and is flexible at the local level (see attachment 1).

Vice Chairman Thayn asked if she knew what type of professional development is available. **Ms. Harrison** said it is dependent on each district. The bill is flexible enough that districts can develop specific programs to address their specific issues.

Senator Souza asked if the fiscal impact statement is correct. **Ms. Harrison** stated funds and days have been allocated for professional development and bullying training would be in that allocated area.

Chairman Mortimer asked if there is a current reporting function for bullying. **Ms. Harrison** said bullying reporting is already occurring in the schools.

Matt McCarter, Director Student Engagement & Postsecondary Readiness, State Department of Education (SDE), said part of his job criteria is to deal with school safety, suicide prevention, bullying and harassment, and school violence. He explained that professional development is offered throughout the year around the State by SDE and other agencies. Through his interaction with districts, he helps identify the issues of concern and then directs districts to the proper training modules. He explained what the SDE offers for education professionals.

Mr. McCarter said in reference to bullying reporting what currently is being reported is what is required by the Federal Department of Education (FDE). The report includes all incidents of violence that result in at least a full day of suspension. The data that is collected with this bill is in the aggregate form. He explained the information will provide the SDE with data to address the issue.

Senator Den Hartog asked since this type of data collection is already being done, what is the additional benefit of this legislation. **Mr. McCarter** explained that currently the bullying reporting by school districts to the SDE is inconsistent. This bill will bring more uniformity. He reported the results from the past SDE threat assessment and explained the outcomes.

Senator Patrick asked if names are used in the reporting of bullying. **Mr. McCarter** stated when the SDE received money from FDE for safe and drug free schools that included a level of aggregate reporting. The SDE has no interest in the names; instead the SDE is looking to see if specific schools have control of their bullying issue.

Vice Chairman Thayn stated his concern that individuals were to be reported to the SDE by name.

Senator Souza asked if the current practice is to not report individual names to the SDE. **Mr. McCarter** said right now individual names are reported and the disciplinary action that was taken: That is FDE mandated. He emphasized that in terms of the data for this legislation, aggregate is all the SDE will have access to. **Senator Souza** asked since the FDE requires that names are reported, where are the collected names filed. **Mr. McCarter** explained that the SDE has those names in the secure server. Only his position has access to those names, he reports the incidents in aggregate to the FDE and then they stay on the secure server.

Gabriel Giffin asked the committee to vote yes on **H 246**. He has seen too many people's lives lost to bullying. He explained that the U.S. stood up to the bullying of England in order to be free. They fought to stop the bullying and now Idaho must stop individual bullying. He asked for the Legislature to not be idle on this issue. He gave an example of an incident where nothing was done to the assailants (attachment 2).

Jory Leshner showed a picture of her son and said that he committed suicide five months ago. She explained that she tried to work with the school and the police to have them stop the bullying and no one responded. When her son could take it no more, he killed himself.

Wynterly Korem said she came today to testify for her now deceased nephew who committed suicide at the age of 13. The bullying he received happened face-to-face and online, and after his death it continued online. She explained that he fought as long as he could until he could no longer take it. She asked the Committee to pass **H 246**.

Senator Keough asked Ms. Korem how she thought this bill would help in the school setting. **Ms. Korem** said those students that are being bullied need to know that they have someone to go to for help. The bullies need to know that there are consequences to their bad behavior, and administrators need to know that there are consequences to their lack of action.

DW Tranthem, student, explained how this bill would help those students that are being bullied during school. She stated that this bill would protect students and give administrators tools to better deal with the incidents. She pointed out that school administrators should be there to protect all children. She commented about the suicide level among Idaho's youth and how it can be attributed to bullying. **Ms. Tranthem** explained the positive attributes of **H 246** and asked the Committee to support the legislation.

Vice Chairman Thayn asked if teachers intervene when they see bullying. **Ms. Tranthem** replied in the negative. **Vice Chairman Thayn** asked what should a student who is being bullied do and where should they go. **Ms. Tranthem** stated currently there are few options. If this bill was passed there would be more resources for a safe learning environment.

Jaylene Lovell, Junior, Canyon Ridge High School, explained she represents those that have been bullied and those that have taken their lives due to bullying. She said while she has not experienced harsh bullying, she has seen it happen at school and on social media. She explained the Facebook page she started to counter bullying. She detailed a bullying situation and how school administrators did nothing to stop on campus bullying. **Ms. Lovell** stated that **H 246** addresses ways to reduce bullying.

Senator Patrick asked how do students fight the bullying in social media. **Ms. Lovell** said she started a Facebook page as a positive outline that gives tips to help put a stop to bullying. She said people need to turn off their Facebook page and phones. They must learn to ignore what they can.

Senator Keough stated high school settings are very different today. She asked if there are occasions where teachers would like to help but don't know what to do. **Ms. Lovell** said not really. In her experience, teachers have done nothing to intervene. Instead they come up with excuses about why the bullying may have happened and tell the victims to try to ignore it. Nothing is done to the bully.

Tim Tranthem said he is the father of a 13 year old child. He explained that from kindergarten to now, his daughter has attended Idaho schools, some big districts and some small districts, and in each she has faced bullying many times. He said that as her parent, he has tried to intervene for his child in each situation and has not had any satisfaction with how the administration and law enforcement have handled any of the bullying situations. **Mr. Tranthem** pointed out that schools are a place where children should be able to safely learn. Schools must provide an environment that does not tolerate bullying. Give the administrators the teeth to not allow bullying. He asked the Committee to not allow this to happen again to any other child. Please pass **H 246**.

Chairman Mortimer asked if he had interaction with the school and felt they listened and took appropriate action. **Mr. Tranthem** said he has seen minimal intervention without any punitive action toward the bully. He explained that his daughter gets bullied so much that she carries a phone, within the policies of the district, so she can reach him at all times. Also, she carries a bully camera to record bullying incidents. It is his hope that this bill will address the issues so they would not have to take the problems to the court.

Senator Patrick asked if the wording "shall" in the bill was intentional. **Senator Ward-Engelking** answered in the affirmative. She explained there are many ways to learn how to deal with bullying; by leaving the wording broad, it would allow for flexibility in the local districts.

Senator Buckner-Webb said that she has seen this bill develop over the last five years and is so pleased that the stakeholders are in agreement this year. She is in support of this legislation.

Vice Chairman Thayn said he was supportive of the bill because it builds strength for administrators with the professional development piece and also gives administrators guidelines for what should be done. Bullying can't be stopped with punishment, but if an attitude of respect is cultivated that could change the environment.

Senator Souza commented that it is so sad to hear the testimony. This is something that people are aware of, but what is difficult to hear is that parents had no recourse when they went to the school. This bill seems to empower parents and students to know that the structure of the school should protect students.

Senator Ward-Engelking said that social media is a new phenomena which parents and administrators are learning how to deal with its ramifications. This bill is about learning and changing.

MOTION:

Senator Keough moved to send **H 246** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.

Senator Keough stated that she had been working on bullying legislation in the past years, and what she likes about this bill is that it focuses on the professional development piece within the schools. She gave examples of her son's high school bullying encounters that he had never reported due to the lack of empowerment. She stated she was appalled that the educators who witnessed the incidents didn't do anything or felt powerless and didn't know what to do. The bullying that children experience today is incredibly vicious. This bill is the right step to remedying the problem.

The motion passed by **voice vote**.

ADJOURNED:

There being no more business, **Chairman Mortimer** adjourned the meeting at 3:10 p.m.

Senator Mortimer
Chair

LeAnn South
Secretary