



March 20, 2018

Assembly Education Committee
Representative Thiesfeldt, Chair
State Capitol, Room 317 North
Madison, WI 53708

Dear Representative Thiesfeldt and members of the committee:

Thank you for the opportunity to provide public comment on the package of Special Session bills focused on improving school safety.

BPDD supports MR8 AB4 (Model Bullying Policy). Students with developmental disabilities are two to three times more likely to be bullied than their nondisabled peers; one study found that 60% of students with disabilities report being regularly bullied compared with 25% of all students. Bullying negatively impacts students with disabilities' education.¹ Shortening the timeframe whereby parents of all students involved in a reported bullying incident must be notified is an improvement.

BPDD is supportive of several school safety improvement proposals from the Chief of Police Association, Rep. Sody Pope, and Department of Public Instruction, calling for increased funding for mental health services and strategies to improve school climate and culture. Training on trauma informed care for teachers and school professionals, community mental health services specifically tailored to meet the needs of students, and follow up with troubled students (including expelled students) is needed. Funding for mental health training and services is not included in this special session package, and BPDD identifies its omission as a lost opportunity to improve school safety.

BPDD is concerned that elements of MR8 AB3 (Suspected Violence Reporting), specifically the exemption of protections against disclosure for patient health and mental health information, may disproportionately impact students with disabilities and lead to unforeseen consequences.

Health care providers may not be able to assess whether a patient's statement rises to the level of being a probable threat, what information is relevant to disclose, and whether/when it is appropriate or required to disclose it. The scope of what information may be disclosed is undefined in the bill; it appears that there are no parameters limiting the kind of information that can be disclosed. BPDD is concerned that erroneous information—including diagnoses and health care conditions, psychological tests, personality evaluations, records of conversations, physical health records, etc.—could be released that may not be relevant to any perceived threats of school violence but could result in bias and prejudicial responses to the individual student by school staff or law enforcement.

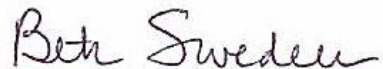
¹ <http://www.pacer.org/bullying/resources/students-with-disabilities/>

In Section 6, the bill includes health and mental health care providers as mandatory reporters in cases where there is reasonable cause to suspect a patient may intend to commit an action of school violence; mandatory reporters are required to report directly to law enforcement. While the disclosure of information is limited narrowly to law enforcement, once protected information has been disclosed it is unclear whether it becomes part of a permanent law enforcement record that is a public record, creating additional privacy concerns.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities.

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen". The signature is written in black ink on a white background.

Beth Swedeen, Executive Director, Wisconsin Board for People with Developmental Disabilities