

Submitted to Senate Education Committee
Feb. 14, 2005 concerning SB 291 Bob Keenan

EXCERPTS FROM TRANSCRIPT OF SB 198 ON 2ND READING - JANUARY 29, 2005

SENATOR COONEY: Members of the committee you now have before you for your consideration Senate Bill 198. The clerk will read the history and title of the bill.

CLERK: Senate Bill number 198 introduced by Kitzenberg A bill for an act entitled an act requiring school districts to adopt a policy prohibiting harassment, intimidation, or bullying on school property, at school sponsored functions or on a school bus.

SENATOR KITZENBERG: Mr. Chairman, members of the body. **This bill is about making our schools safer.** We know that when students can come to school and have a safe environment they can learn better and we can also have a more civil society.

SENATE EDUCATION
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What's the big deal about having this bill? Part of the big deal is that there's been a lot of buck passing. **The board of education hasn't taken a stand on this. And a lot of local school districts in our state haven't taken a stand on this.** And the problem is and the key to this is when we are silent we give our approval. When we are silent we give our approval.

...
If bullying goes unchecked Studies tell us, and in fact there's one very serious study out about this that and it was out by the us secret service, and this study concluded in July 2003 that bullying plays a significant role in many school shootings and that efforts should be made to eliminate bullying behavior. I was going to bring a bottle of ketchup this morning. Heinz ketchup. And I was going to pour it all over my hands. And said I didn't want the blood of Montana students on my hands and that's why I've introduced this bill.

But at the same time, not even if it leads to that, one other study said by other students it said students speak out for a more civil society - this was a report in 2003. **Middle schools are asked what kind of violence they find most disturbing. They are more concerned about belittling, teasing and bully behavior that occurs on a daily basis rather than a more serious act of violence.**

And another reason that I couldn't walk away from this issue is that, you know, I was a teacher. I had to deal with this. I had to look it in the face. I had to enforce it. **Part of the problem with schools that do have good policies right now is there not enforcing it.**

...
And it just so happened I was out in the hallway and he was trying to make his way down the hallway and actually he couldn't. **There were three kids that wanted to hassle him. They were trying to trip him. They were trying to tease him.** That day I didn't say anything.

I was at the 4h breakfast a while back and a young gentleman was sitting next to me and I said what school do you go to and he said capital high school here in Helena. And I said does bullying exist and he said "yes!" There was no hesitation on his part. Now in all fairness, capital high school has one of the best policies in the state. But again, if it's not enforced.

What this bill does basically, and this might sound funny. I'm a local control person as far as schools are concerned, but you know, when local schools don't take a stand, when the board of education doesn't take a stand, then I think the legislature has to take a stand. And the legislature has to speak out. You might say the buck stops here if it's really important.

Let me just address the question of local control. Districts under this bill will be free to write their own policies. This bill simply provides a uniform definition. Schools won't be allowed to ignore the problem or remain silent. When bullying threatens kids safety, why should a district be allowed to do nothing about it?

...

SENATOR RYAN:

The schools don't teach them about the differences in people. The hatred that comes from differences comes from homes and that start to listen to an adult from home talking about this religion being bad; this race being bad. They talk about the differences. That isn't taught at school that's taught at home.

...

Kids get along, and if they weren't being taught by outside forces we wouldn't have to deal with this. That's why I think this is one of those things that has to be left in the bill because it's one of those ideas that when we start instilling hatred - when that stuff comes from the home, in many different ways and undertones and jokes and you know politically correctness and all that kind of stuff all of those things come in there and for us to say we got to stop these others but this one would be okay, that would be wrong, because this is stuff children learn at home.

This isn't something that's taught at schools. Lets address all of the issues that schools face and not turn a blind eye to another.

SENATOR COCCHIARELLA:

In the 6th grade at the middle school in Missoula there was a gang of 3 boys and some associated girls who decided they were going to take over the playground. My son's best friend who is a very, very talented young man - he was a musician, he was an actor, and not gay, but they decided because he wasn't tough and didn't fight and sang and danced that he was gay.

That was what they decided. That was their problem. That's what they were taught at home. We hate gays. So anybody we think has sexual orientation, we've been taught to hate, we can pick on.

So one day on the playground, this kid had one of those little ponytail things on the back on the bottom of his hair. They ripped it out by the root; the whole thing. These same kids decided there were girls in the classroom they could sexually harass. The parents got sick of it. Having our kids come home afraid to go to school the next day. Afraid to go to school. Fear in hallways. Fear that they were going to be hit or their hair pulled out or their body parts scratched by these evil kids.

One of them had been in Pine Hills already. It's learning that they get somewhere else. That they bring to school with sexual orientation as an issue. That kid was no more gay than anybody, but they decided he was. There's nothing in this bill said the School is going to teach sexual orientation.

But what happened? Parents went to the school. We have to stop this. The parents of the kids who saw the bullying of their friends, the kids friends and their kids. We met with the principal. We said, we'll help you, we'll come to the playground, we'll watch and walk in the halls. We'll do whatever we can to stop this bullying. **Our kids are afraid to go to school.**

If you pass this amendment, you just guaranteed that those big bullies who've been taught that a sexual orientation whether it is there or not can get away with anything when it comes to that arena. **Our school wouldn't let us help. They were afraid of the liability of what one parent might do if they saw the pony tail of their son or one of their friend's sons get yanked out on the playground.**

Our principal's hands were tied. There was no policy there was no way to deal with this. What this bill is about is kids who get picked on by mean kids who've never learned that whether its your sexual orientation or not, which is not in this case, your race your religion or any other reason. They don't need a reason. But that was their reason that day for pulling that kids hair out by the roots.

That's what this bill is about. **It's disgusting that our schools can't deal with those kinds of kids that make our children afraid to go to school. This bill needs to go forward so that our school personnel have something to hang on to when all the parents of other kids in school come to them and say stop this. We want to help. This can't happen.** We want our kids to not be afraid when they walk in the school door.

...

SENATOR COCCHIARELLA:

There is no lesson to be taught except that school is a bad place to go because bad kids get to beat other kids up. It's not an issue. There is not one word in this bill. Reasonable people will know that when those kids are not telling on other kids who beat them up and they're intimidated and fearful if they say a word.

...

SENATOR TOOLE:

Thank you Mr. Chairman, and I guess I want to respond to a few things. First, I'm not the drafter of the bill; we have drafters downstairs. My organization the Human Rights network works with a broad coalition that includes **social workers, teachers, a variety of organizations that work on what's called the safe schools project that deal with bullying and these issues as they're occurring in schools in Montana both at both the local level and here in this bill** but I can truthfully say that I haven't even read this bill except for what I've had a chance to go through on the floor today.

...

And I really want to thank Senator Cocchiarella for bringing some kids into the room and I want to bring another kid into the room. **A couple of years ago I met with high school junior who had been hauled into the bathroom of Helena high and had 3 or 4 other kids pushing him around using the f word kicking at him hitting him ultimately shoving his head into a toilet that was full and flushing it and laughing at him and using the f word the whole time. This is a serious matter.**

If you have kids in the school and I would submit at the 4th grade level even the most common insult out there is the f word. I asked my kid when he was in 6th grade to count how many times he heard it at the middle school here in a day. And he quit counting at 30.

So this is, we can through our head in the sand and say all discrimination is bad all bullying is bad, but kids are targeted because of this issue. And I think pulling that out of this bill leaves those kids in a very vulnerable position and essentially sends the message that its okay and we don't care so I would urge you to vote against this amendment.

SENATOR SMITH:

I rise in opposition to this amendment. I wasn't going to rise until the bill come up. I want to tell you a story and I give it to Sam a while back. **But a young gentleman when I drove school bus, they picked on him all the time cause they said he was like Senator Toole said, the f word. The young gentleman could not take and stay in another room with another person because they kept picking on him. They said he was gay.**

So he would always come down to my room when I drove bus and want to stay in my room. And he'd be crying. The young gentleman when he got out of school he went to Spokane and he got a job because he didn't want no part of Montana schools. He worked as a probation officer for 9 years. Then he started back in school and he graduated. He's a teacher now. He wants to come back to Montana and teach school because he thinks he can do some good.

...

SENATOR WILLIAMS:

And the issue that Senator McGee brought up I think trivializes the issue. With the left handed red headed child, and Rep. Balyeat, the redheaded child. None of that should be okay in any of our schools, but it **trivializes the very deep pain and fear that many kids in our state have now about going to school because of sexual orientation.**

And I don't know, you may not want to believe it, but they're in your schools. They're in every one of your schools. They may be hidden in some of your schools, but they're there. And if we pass this amendment, they will not be taken care of in the same way that our redheaded, left-handed people are. And I think if you're talking about apples and oranges here. Thank you.

...

SENATOR KITZENBERG:

Mr. Chairman, I oppose this amendment. **As I said earlier, we did some surveys and I can refer to the two surveys that we did if you wish and go into detail but there are a number of districts that haven't taken a stand and I'm sure part of it's because it's a hot potato. And they would choose to remain silent.** And I think that's very important. When we are silent, we give our consent.

...

But I'm living today; I'm living now. And I guess that's why when all of the sudden I was in the spotlight like a rabbit and I had to search my soul and I had to decide. That's why this bill. I just don't think school districts. **We're not telling school districts what to do we're just saying you need a policy. I don't think schools should be allowed to ignore the problem...**

SENATOR GILLAN:

I've been involved with schools for a long time now, not just in the PTA I've had the pleasure of being the substitute school yard person for many of my illustrious years. I get a lot of ribbing about that – legislator every other year and schoolyard superintendent on the substitute list – can't even make the real list I'm a sub.

But the sad thing about this is Senator Stapleton; you would be shocked what you hear from Kindergarteners and first graders on the schoolyard. I know I was shocked I was just amazed at the things the sad things that kids call each other. And I know it happens actually quite a bit in middle school.

Middle school as many of you know was just a really difficult time for my teenager and lets face it folks, we live in suburbia. She lives a much better life than probably most of us grew up with and it was just pathetic.

But the one thing I have begun to realize in dealing with the school districts is if it's not written down there not in a position to do anything about it. And we had an incident in billings that I don't want to even go into and that was a clear message to parents that if it's not written down in a complaint or if there's a policy against which you can complain, a very specific policy,

chances are that your issue will end up in file 13 otherwise known as the garbage can...

Maybe you already have a policy. Maybe it's time based on this legislation to look at the policy and brush it off and see whether it's appropriate for what's going on now because **I would contend that the magnitude of bullying and harassment in high schools unfortunately even in Montana is far beyond what we ever experienced. I graduated in 1969.**

You just have to have the thickest skin and you have to have a steel rod in your back to go to high schools today and that's not just in my high school where my son goes its all over. It's an epidemic of harassment and bullying. And you'll just have to take my word for it.

And so the thing is people may say this is nothing but a feel good bill but if it does result in one child not dropping out of school then we have succeeded. **We received and I'm sure other members of the Senate education committee received phone messages and e-mails that literally would have torn your heart out about kids who were harassed in schools.**

So I just don't want to go on I know we all want to get out of here but you know maybe it's a reality check for some folks and I don't mean that as any criticism who don't have kids in school, **but after this if you want to come over and I'll tell you some stories and there are parents who try to stop it; there are teachers who try to stop it.** Maybe this sends a message if there are any newspapers that cover it, which I doubt, that it'll make people start to think about what they hear when their kids come home from school or they complain.

The real sad thing that I will tell you is most kids when they are harassed and bullied like this do not want their parents to intervene that's the last thing because then it will get worse. And so chances are if you have a teenager or whatever, they won't come and tell you about what is going on, because for you to go to school would just open up another indignity or another rash of harassment and...

I know a lot of kids you know who this is happened to or kids who have dropped out of school. And I just can't tell you enough. We want our schools to be academically great, we want to raise the bar, well, I tell you, we need to raise the bar as to how we treat kids at school. Or how, and I think the only problem with this bill is I think it should say a little more about teachers because I think there's some stuff going on there. So anyway, I just urge your support if not just to send a message to the public, sort of not in our state. **We got to start doing something about this.**

SENATOR SQUIRES:

Mr. Chairman, members of the body in Missoula we are fortunate I guess in the fact that we are able to hire policemen who attend each one of the schools

and I talked with one of them the other night on the phone. His wife and I happened to be good friends and we worked together at Missoula community hospital.

And he wanted to talk about the bullying bill. And I couldn't figure out why. So Dave and I talked about it. **He's the policeman at Big Sky High.** And it happens to be or was in my district until all of that stuff changed. But anyhow, we're still good friends. And he asked me where the bullying bill was and I said I wasn't quite sure and I'd check on it and so on and so forth. But he says to me Carolyn, please pass that bill. He said, I need to have the guidelines with which to take action.

Sure he has the assaults and all those kinds of things, but he wanted to make sure there was a policy in place by the school board. Some school boards will deny putting that into place. I'm not saying that Missoula will, but I think what they've done is they've decided they have a policeman in place so therefore they don't have to do anything else...

I guess I was fortunate. My kids are older, quite a bit older – they're 42 and 39, so they're not right in school now. But I have some grandchildren. **Stevensville high school is not a nice place. It's a place than can cause a whole bunch of trouble. And kids can be discriminated against up there.** And I have a granddaughter there and I don't want that to happen.

...

SENATOR LAIBLE:

Mr. Chairman, Senator Kitzenberg, has this bill been brought forward at the request of the office of education, the board of public education, or your local school district?

SENATOR KITZENBERG:

Mr. Chairman, Senator Laible, this is really a sad case. Usually I'm within all of those and listening to that, but **from the superintendent on down, from the school board association on down, from the MEA on down to the local school board, there was just silence. A deafening silence. And it was actually kind of scary from the standpoint of why hasn't somebody said something. Why hasn't someone said no, this doesn't exist in Montana.**

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SENATOR KITZENBERG:

Mr. Chairman and members of the body, actually, thank you, for the debate, it's been half way civil, but as you can see it's a hot potato.

And I think that's part of the reason our board of education hasn't taken a stand on it and neither have local school districts. I could quote my surveys but they're inconclusive, but I will anyway just to share just a little bit here, but, I see the fallacies in them. We tried to do a survey of 39 school districts. Or we got responses from 39 school districts and we found out that 19 of them had no specific harassment or bullying policies. This translates into 49% without a policy. 4 districts had very comprehensive policies, which translates into 10% of those who did respond.

...

Districts are free to write their own policy. This bill simply provides them uniform definitions. **And schools won't be allowed to ignore the problem, because it's very, very serious. When bullying threatens a kid's safety, why should a district be allowed to do nothing about it in Montana.**

The other day, Senator Black and I were down to see the governor about ethanol. And we were having a discussion, and we'd kind of reached the end of our discussion and the Governor was sitting there and **I said to the Governor, how do you feel about bullying? I said I'd heard a story that one of your children had been bullied.**

And all of the sudden his mood changed. And he looked at me and he said I have an autistic son – I think he said my oldest son. That was bullied in the public school system. And now we have to home school him. And every time I think of it – even now, it brings a tear to my eye. And I was sorry I'd asked the question because there was a tear in his eye.

And my respect for him went up 100%. I thought here we've got a governor who understands the issue and who has a heart. This is a big issue in Montana and I think we need to send a message. And I thank everybody for the good debate.