

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON EDUCATION**

March 16, 2006

11:09 a.m.

**MEMBERS PRESENT**

Representative Mark Neuman, Chair  
Representative Carl Gatto  
Representative Bob Lynn  
Representative Bill Thomas  
Representative Les Gara

**MEMBERS ABSENT**

Representative Peggy Wilson  
Representative Woodie Salmon

**COMMITTEE CALENDAR**

HOUSE BILL NO. 482

"An Act relating to harassment, intimidation, and bullying in schools."

- MOVED CSHB 482(EDU) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 482

SHORT TITLE: SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

02/13/06	(H)	READ THE FIRST TIME - REFERRALS
02/13/06	(H)	EDU, HES, JUD
03/16/06	(H)	EDU AT 11:00 AM CAPITOL 106

**WITNESS REGISTER**

LENA HENSLEY, Student  
Galena Interior Learning Academy (GILA)  
Kotzebue, Alaska  
POSITION STATEMENT: Spoke of her experiences at the academy.

DOROTHY WALKER, Student  
Galena Interior Learning Academy (GILA)  
Holy Cross, Alaska  
POSITION STATEMENT: Spoke of her experiences at the academy.

SARAH REAGIN, Student  
Galena Interior Learning Academy (GILA)  
Fairbanks, Alaska

POSITION STATEMENT: Spoke of her experiences at the academy.

CRYSTAL NOVOTNEY, Staff  
to Representative Andersen  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented HB 482 on behalf of  
Representative Anderson, sponsor.

SARA VITASKA, Policy Associate  
Education Program  
National Conference of State Legislatures (NCSL)  
Denver, Colorado

POSITION STATEMENT: Testified in support of HB 482 and provided  
research information on the effects of bullying in schools and  
the various responses by states to address this.

KATIE SINGLETON, Member  
Bye-Bye Bullies  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 482.

DENNIS MALONEY, President  
Bye-Bye Bullies  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 482.

TOM HARVEY, Executive Director  
National Education Association-Alaska (NEA-Alaska)  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 482.

#### **ACTION NARRATIVE**

**CHAIR MARK NEUMAN** called the House Special Committee on  
Education meeting to order at [11:09:41 AM](#). Representatives  
Neuman and Thomas were present at the call to order.  
Representatives Gara, Gatto, and Lynn arrived as the meeting was  
in progress. Representatives Salmon and Wilson were excused.

[11:09:54 AM](#)

CHAIR NEUMAN announced that the first order of business, [though not calendared for today's meeting], would be to hear from students attending a regional learning center in Galena until a quorum of committee members is present.

[11:10:13 AM](#)

LENA HENSLEY, Student, Galena Interior Learning Academy (GILA), expressed her belief that the most important thing in life is opportunity and "to excel, grow and survive." She explained that the reason she attends a boarding school is because of her wish to see more of Alaska and to learn about the cultures in this state.

CHAIR NEUMAN asked if she was planning on attending college and whether her experiences living in a dormitory environment will be beneficial to her when she is in college.

MS. HENSLEY relayed that she does plan on attending college and that learning to be on her own in the boarding school environment, away from home and familiar faces, has been a good experience for her.

[11:12:33 AM](#)

DOROTHY WALKER, Student, Galena Interior Learning Academy (GILA), explained that her sister attended the school before her and she had the chance to see how well her sister excelled in the program. She said she likes her teachers and the well-trained dorm staff and opined that there is more individual attention given to students at the boarding school than those in other school systems.

[11:13:52 AM](#)

SARAH REAGIN, Student, Galena Interior Learning Academy (GILA), relayed that her freshman year of home schooling set her back a year and upon learning about GILA at a job fair, she decided to attend this vocationally-oriented school to learn more about the profession which interests her.

HB 482-SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

[11:15:07 AM](#)

CHAIR NEUMAN announced that the final order of business would be HOUSE BILL NO. 482, "An Act relating to harassment, intimidation, and bullying in schools."

11:16:4 AM

CRYSTAL NOVOTNEY, Staff to Representative Andersen, Alaska State Legislature, paraphrased the following written sponsor statement which read in part [original punctuation provided]:

House Bill 482 encourages school districts, city and borough offices of education, law enforcement agencies, and youth-serving agencies to develop and implement interagency strategies. Some of the possible programs may include in-service training programs and other activities to improve school attendance and reduce school crime and violence. HB 482 will reduce vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, teen relationship violence, and discrimination and all harassment, including sexual harassment, in grades K-12.

Recent research studies suggest bullying has a negative effect on the social environment of schools. Bullying creates a climate of fear among students, inhibits their ability to learn, and leads to other anti-social behaviors.

MS. NOVOTNEY informed the committee that there are currently 21 states that have anti-bullying laws and Sara Vitaska from the National Conference of State Legislatures would provide more detail on this in her testimony. Ms. Novotney expressed her belief that students should have the opportunity to learn in a safe, educational environment.

11:17:40 AM

SARA VITASKA, Policy Associate, Education Program, National Conference of State Legislatures (NCSL), paraphrased her written testimony which read in part:

Representative Anderson's office invited me to testify before you all today. His office has asked me to provide you with a general overview of anti-bullying legislation and a summary of introduced bills from the 2005-2006 legislation session. In addition, I will

touch on a few components of anti-bullying policies, including defining bullying, state level support, public school reporting requirements, individual reporting requirements and immunity, and training opportunities for teachers and staff.

A growing body of research on the prevalence of school bullying, the likelihood of school bullies to develop anti-social behavior, and the impact of bullying on its victims and the school climate have heightened the issue. Anti-bullying legislation has been motivated, at least in part, by a surge in school violence and tragic school shootings at several U.S. high schools in the late 1990's. In addition, a 2002 U.S. Secret Service report, entitled, "Safe Schools Initiative," found that bullying played a major role in several of the shootings. According to research published in the Journal of the American Medical Association, approximately 30 percent of American schoolchildren, in grades 6 through 10, have been bullied or have bullied other children "sometimes" or more often within a semester.

A total of 21 states have enacted anti-bullying legislation. To date, at least 24 states have introduced anti-bullying legislation during the 2005-2006 legislative session. Of those states, 16 are considering anti-bullying policies and 6 are seeking to amend their current anti-bullying statutes. During the 2005 legislative session, 4 states - Arizona, Indiana, Maine, and Tennessee - enacted anti-bullying policies and 2 states - Arkansas and Virginia - amended their existing anti-bullying statutes. This analysis does not include states that have enacted or are introducing harassment and intimidation policies that do not specifically include bullying. Maryland, Mississippi, and Nevada have enacted such policies.

There are several components of anti-bullying policies, including: prohibiting bullying; defining bullying; state-level support; school intervention strategies; individual reporting and immunity; public school reporting; parental rights; teacher and staff training; prevention task forces and programs; and integrated curriculum instruction.

A handful of states establish requirements for the state board, department of education, or commissioner of education to facilitate anti-bullying efforts in the schools. State support in California, New Jersey, Rhode Island, Vermont, Virginia, and West Virginia, provides districts with model policy to assist them in approving their own policies and programs. In Washington, the superintendent of public instruction has sole authority for policy development. School districts in Washington were directed to adopt the superintendent of public instruction's model policy or amend an existing policy to be considered in compliance. In Arkansas, the state board of education must review every district's anti-bullying policies and may recommend changes or improvements. And in Oklahoma, the state department of education is mandated to disseminate "a list of research-based prevention programs" to every public school in the state.

Some states' anti-bullying legislation contains procedures for school districts to report incidents of bullying. Colorado, Connecticut, and Virginia require incidents of bullying to be made available to the general public. Illinois, Maine, and Virginia have guidelines in place to report certain incidents to local law enforcement agencies relating to criminal offenses committed by students. Similar to Colorado and Connecticut, Vermont requires schools to collect data on the number of reported incidents of bullying and make the data available to the commissioner and to the public. In addition, the commissioner must report to the senate and house committees on education on implementation of the policy. The report must include pertinent data such as incidences of bullying gathered by school districts. In Washington, each district is required to report to the superintendent of public instruction annually all bullying incidents that result in a short or long-term suspension or expulsion on school premises or on transportation systems used by schools. The superintendent must compile the data and report to the appropriate committees of the house and senate.

MS. VITASKA informed the committee that some states either require teachers and staff to report suspected bullying or encourage [them] to do so. There are several states currently

amending existing anti-bullying policies, she relayed, and some states, such as New Jersey, with proposed plans to reimburse school districts for providing teacher training on [anti-bullying prevention]. In conclusion, she highlighted that 16 states, including Alaska, have introduced legislation [to adopt an anti-bullying policy] for the 2005-2006 legislative sessions.

[11:23:22 AM](#)

REPRESENTATIVE THOMAS, referring to incidences of teachers and coaches bullying students, asked what is to be done in these cases.

MS. NOVATNEY explained that parents, guardians, other committee members, teachers, school officials, and anyone associated with schools or school events "fall under this policy." She provided an example of a parent bullying a team coach and said that the parent would be held accountable as well.

REPRESENTATIVE THOMAS questioned what could be done in cases where coaches yell at students during games and at practice.

REPRESENTATIVE LYNN questioned whether [addressing bullying] wasn't already the job of the schools.

MS. NOVATNEY agreed that this is a job the schools should be doing and seems to be common sense. She relayed that many times schools "turn the other cheek" and say that "kids will be kids." She opined that when kids are under school care for six hours a day, someone needs to step in to let kids know what is acceptable behavior and what isn't. Proper training is needed to help teachers deal with these situations, she said.

REPRESENTATIVE LYNN expressed his belief that so much power has been taken away from teachers and the school administration that they have become powerless in dealing with even basic discipline problems which were common in his generation. He relayed that he was the subject of bullying throughout elementary school which was a "terrible thing" but said he was not certain how legislation could effectively solve this. He opined that the civil authority exists to deal "with this type of thing" and whereas he is opposed to bullying, he does not see how this legislation will "fix" the problem of bullying.

[11:30:33 AM](#)

CHAIR NEUMAN expressed his concern about the effects of adding more state mandates on schools and informed the committee that he would like to propose a conceptual amendment to change the words "shall" to "may" on page 1, lines 6-7, which reads:

... each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy ....

REPRESENTATIVE LYNN opined that this legislation adds another layer of paperwork [for schools] "that takes away the time of teaching basic subjects ... and supervising student behavior which includes bullying."

CHAIR NEUMAN interjected that changing the words "shall" to "may" would allow decision-making at the local level as to how to address bullying.

REPRESENTATIVE LYNN opined that it already is at the local level where teachers fill out necessary paperwork, turn it in to the principal, who then in turn forwards it on to the superintendent.

CHAIR NEUMAN reminded the committee that this legislation "says that [school districts] have to do it" and asked if there was any objection to Conceptual Amendment 1. Hearing none, Amendment 1 was adopted.

REPRESENTATIVE GATTO asked if there are any circumstances where bullying is beneficial.

MS. NOVATNEY relayed her understanding that bullying is not beneficial, but she would research the possibility.

[11:32:47 AM](#)

REPRESENTATIVE GATTO compared levels of "bullying" from kindergarten, where one child might take a crayon from another child, to high school, where a coach is verbally and physically abusive to a student and asked, "Is that bullying?"

MS. NOVATNEY expressed her belief those would be forms of bullying.

REPRESENTATIVE GATTO questioned again whether one child taking a crayon from another child would indeed be considered bullying.



He suggested that some form of conflict is desirable when growing up to help individuals tolerate society. He relayed that whereas he doesn't mind saying bullying should be dealt with to some degree, he is not in favor of saying, "... we can't have bullying, because I don't know what [the parameters of bullying are]."

MS. NOVATNEY, referring to the crayon example, stated her agreement that the incidence could be viewed as students learning a life lesson or possibly viewed as interfering with learning. She opined that there is a difference in a kindergartner swiping a crayon to a situation where a high school student throws another student against a locker.

CHAIR NEUMAN referred to language in the bill regarding those to be involved in creating anti-bullying policies, page 1, subsection (b), lines 9-11, which reads as follows:

The policy must be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

[11:35:44 AM](#)

REPRESENTATIVE LYNN referred to his experience in basic training in the military where a lot of bullying occurred and where "they tear you down and build you up." He expressed his belief that this experience has helped him deal with challenges at work and that "bullying is not necessarily bad."

[11:37:10 AM](#)

REPRESENTATIVE GATTO, in trying to envision a contained, bully-free environment, asked if those leaving this environment would be better because of that experience.

MS. VITASKA highlighted that research on prevention programs shows bullying incidences can be reduced by over 50 percent.

REPRESENTATIVE GATTO said he did not argue whether there are some benefits to this. He referred to his experience of attending high school with 6,000 other boys where bullying was "rampant" and suggested that his experience with this may have benefited him professionally, "learning how to succeed in spite of what other people wanted." He questioned whether this would be the case had he grown up in a relatively bully-free

environment. He posed the question as to whether the classroom environment wasn't designed to help students become smarter, more socialized and to recognize that bullying exists - "[if] you don't like it, then you learn how to avoid it."

[11:41:27 AM](#)

KATIE SINGLETON, Member, Bye-Bye Bullies, paraphrased the following written testimony which read [original punctuation provided]:

I would like to strongly disagree with some of the testimony regarding bullying. Bullying is bad. The experts agree that nothing good comes from bullying. 30% of bullies actually grow up to be criminals.

Bullying in schools is a concern of mine. I was bullied in second grade at a private Catholic school in the Midwest. I cried myself to sleep every night and dreaded going to school the next day.

My oldest child will be starting school in the fall. He is small for his age and I'm concerned that he will have to endure the same trauma I did as a child.

I am happy to see that our legislators are concerned enough about this issue to include it in their debate.

We NEED to have a requirement for schools to take responsibility for the safety of our children, and that includes policies against bullying and harassment.

As a member of the organization Bye-Bye Bullies, I have heard presentations and read papers by many of the nations bullying experts.

The bully experts seem to all agree that school surveys are the best place to start.

Teachers don't know where the problems are because children hide the bullying from them.

Schools have different problems, different physical layouts and other aspects that require some questions to be included or not included on a survey. These

surveys are then used to determine which programs might work best for a particular school.

Something that I believe needs to be included in this bill is a provision for mandatory surveys of all students and staff.

These surveys should be done prior to finalizing any specific program for a school.

Surveys should also be conducted periodically to determine how the programs are working.

Previous studies show an increase in bullying the first year this is due to an increase in awareness and then reports of bullying decline in following years.

This is good legislation. Schools need this guidance.

This legislation is needed.

[11:44:45 AM](#)

DENNIS MALONEY, President, Bye-Bye Bullies, explained that he helped found this organization and is a practicing attorney in Anchorage as well. He highlighted that the first national conference on bullying was held in Anchorage two years ago where nine experts spoke on the subject. He relayed that surveys taken at the middle schools in the Anchorage School District showed that 10 percent of the students are afraid to go to school every day because of possible intimidation and harassment. He opined that this results in students "looking over their shoulders rather than focusing on their education." He informed the committee that the bullying programs presented at the conference in Anchorage, though varied in methodology, have resulted in a reduction in bullying incidences as much as 50 percent the first couple years of program operation and on to a 75 percent reduction for following years. A reduction in property damages in schools was also noted, he said. He then relayed the definition of a bully provided at the conference by Dr. Stuart Twemlow, Medical Director at the Menninger Clinic, which is someone who repeatedly uses force, either physical or non-physical, to shame, humiliate or dominate a victim and that the "shame and humiliation" is what damages the ego of the person being bullied. He opined that an effective anti-bullying program will reduce the cost of education, reduce discipline

problems in schools, and increase the [self-worth] of students, helping them become more productive members of society.

[11:47:59 AM](#)

REPRESENTATIVE GATTO, referring to Mr. Maloney's profession as an attorney, asked whether passing this legislation would make it easier for attorneys to sue successfully in court.

MR. MALONEY said this is not accurate. He relayed that he does not wish to take any cases on bullying and that those reporting incidences of bullying are immune from suit.

REPRESENTATIVE GATTO rephrased his question to ask whether or not it would be easier for an attorney to sue if we pass this legislation.

MR. MALONEY said "no." In response to questions by Representative Lynn, he explained that Bye-Bye Bullies is a [Code] 501 (c)(3) [nonprofit corporation] with over 150 Alaskan members.

[11:51:15 AM](#)

TOM HARVEY, Executive Director, National Education Association-Alaska (NEA-Alaska), opined that one of the most important parts of HB 482 is that it "provides a mechanism by which the schools can produce a better climate where students can learn and teachers can teach." He informed the committee that his written testimony includes a list of available resources on the topic of bullying, a topic that NEA-Alaska has been working on for over ten years. He said that a large population of students are affected by bullying and they don't [generally] come forward. He highlighted that with No Child Left Behind (NCLB) there are 31 factors used in measuring a school's [accountability]. Attendance is one of those factors, he said, and it is affected by the number of students who stay home from school because they are bullied which in turn can contribute to a school's failing under NCLB. "This bill will provide us with the mechanism for which to change that," he opined. Additionally, bullied students aren't usually in the frame of mind to perform well on tests which may result in their "missing one of the three areas of proficiency" and therefore contribute to another school failing to meet NCLB accountability requirements. He opined that it was important for people to review the available resources on bullying and not allow personal experiences to define what the bullying act is or is not. He also suggested

that educators use the available tools to address bullying "if, as Representative Lynn points out, they're given the opportunity to use them, versus all the barriers that have been put on educators in order to ... maintain a good school climate."

[11:54:03 AM](#)

REPRESENTATIVE LYNN asked whether better enforcement by the administration and better support of teachers dealing with bullies more effectively helps reduce bullying and other behavioral problems.

MR. HARVEY said there are already policies in place to address this and that when uniform standards are applied, the better the school's performance. However, he noted that times have changed and some of the conflict resolution techniques are not done today. He opined that [anti-bullying] programs would provide assistance in this regard.

REPRESENTATIVE LYNN repeated his question on whether better support of the administration of the classroom teachers would help resolve the bullying issue and other disciplinary issues.

MR. HARVEY said that to some degree it would.

REPRESENTATIVE GARA referred to legislation from last year sponsored by Representative Salmon which, he said, seemed similar to this bill. He asked Mr. Harvey if he had any opinion on the differences between the two.

MR. HARVEY said that an analysis had not yet been done, but he would provide one.

[11:56:11 AM](#)

CHAIR NEUMAN determined there was no further public testimony nor committee discussion.

[11:56:31 AM](#)

REPRESENTATIVE GARA moved to report HB 482, [as amended], out of committee with individual recommendations and the accompanying fiscal notes.

[11:56:39 AM](#)

REPRESENTATIVE LYNN objected. He opined that though it's a well-intended bill, laws to address bullying are already in place. Furthermore, he said, teachers are already required to fill out more "onerous paperwork," and less paperwork could allow them more time to deal with student misbehaviors.

REPRESENTATIVE GARA relayed his understanding of the bill is that it requires school districts to adopt policies to prevent and remedy bullying and asked whether it required any specific paperwork.

REPRESENTATIVE LYNN expressed his belief that the bill requires some paperwork.

REPRESENTATIVE GATTO noted that the bill has an accompanying fiscal note "so something has to be done."

REPRESENTATIVE LYNN maintained his objection.

[11:58:03 AM](#)

A roll call vote was taken. Representatives Thomas, Gara, Gatto, and Neuman voted in favor of HB 482, as amended, out of committee. Representative Lynn voted against it. Therefore, CSHB 482(EDU) was reported out of the House Special Committee on Education by a vote of 4-1.

[11:58:45 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 11:58 a.m.