Don't let them shut you down with their talking points.

CPLAction EXPOSES the FALSE arguments of those pushing the BULLYING BILL

They say we claim	Then they try to defend their bill by saying:
1 Includes sexually explicit curriculum.	**NOT TRUE. There are NO state mandated sex education curriculum requirements in this bill.**

CPLAction RESPONSE: *This response is intentionally deceptive. The phrase "sex ed curriculum" is obviously not in the legislation, nor has anyone claimed it is. However, note that the legislators do not deny that HF826 introduces sexually explicit curriculum into the classrooms.*

Gov. Dayton's Bullying Bill calls for "developmentally appropriate strategies" and "developmentally appropriate programmatic instruction." The Governor's Prevention of Bullying Task Force Report reveals that these strategies include changing the "values, attitudes, and behaviors" of children by teaching them "the nature of human sexuality." (Page 18)

Promoting and normalizing sexually diverse behaviors and lifestyles is the primary focus of bullying prevention and safe schools programs such as, AMAZE, Respect for All, and Welcoming Schools.

Curriculum and resources like It's Perfectly Normal, approved for 10 year olds, (excerpts can be seen here) have the stamp of approval from the MN Departments of Health and of the Department of Education—the intended location for the proposed School Climate Center that will monitor compliance and recommend curriculum in all Minnesota schools.

This kind of material deeply violates the conscience and moral values of many families, and violates their rights to teach their moral values to their children. The sample materials meet the legal definition of obscenity and would be illegal to show children were schools not exempted from Minnesota's obscenity laws. Obscenity, according to state law, is harmful to minors. HF826 is harmful and unsafe to children.

2 **Leaves students out by including a list of students more likely to be bullied.**	**NOT TRUE.** The bill includes protections for **ALL** students plus enumeration for groups more likely to be bullied. Schools and school districts can add any descriptions they want to the list of protected students.

CPLAction RESPONSE: *Attorneys tell us that when special groups are enumerated in law, they take precedence over "all." For prevention and remediation, enumerated groups will be given greater focus. When you enumerate, two things happen: you give more attention to some and less attention to others.*

Kathy Trosvik has testified to her 12-year old son's tragic bullying that led to suicide. Her son Tom was not part of any particular group. (Tom's Story at CPLAction.com) This situation could become the norm if more attention is directed to special groups.

3 **Infringes on free speech.**	**NOT TRUE.** The bill is written to protect children from bullying and specifies protections regarding students' constitutional rights -- including free speech.

CPLAction RESPONSE: *HF826 is a prime example of the cynical practice currently adopted of inserting statements of constitutional compliance into legislation that simultaneously violates those very rights.*

The fact is that when students may be charged with bullying for speaking their conscience beliefs and then subjected to discipline, re-education, psychological counseling, and mental health treatment, and have those charges recorded in their records, and all without the requirement that parents be notified, their freedom of speech has been seriously trampled and their consciences violated.

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4 **Repeals all existing bullying prevention policies.**	**NOT TRUE.** There is a minimum threshold established. If a school district meets that threshold, their bullying policy would not be repealed. **The bill does not mandate a statewide bullying policy.**

CPLAction RESPONSE: *This argument is intentionally misleading. HF826 mandates what local policies must include, thereby mandating a statewide bullying policy.*

The state mandate includes, among other things, some of the most contentious items: anonymous reporting, no requirement that parents be notified, specifically listing certain groups that will be protected, requiring a specific staff person to handle bullying policy, mandatory intervention and record keeping for even "suspected" violations, bringing in undefined "community resources" to work with all those affected, and providing "professional development" to all teachers, administrators, counselors, social workers, psychologists, other mental health professionals, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals.

The state mandate dictates specifically what the professional development must include. In addition, HF826 mandates that schools must create plans for changing the "climate" of the schools through the highly charged phrase, "social-emotional learning." ALL students and adults are to become part of these plans to integrate programs throughout the educational experience.

This is clearly a statewide bullying policy. Yes, the minimum threshold is a 14 page mandate. Those 14 pages of that "minimum threshold" includes an entirely new agency at the MN DOE, at a cost of $2 million of taxpayer money to "assist" and enforce new the bullying mandates. Anything in conflict with that policy has to go.

5 **The bill harms children by not requiring parental notification.**	**NOT TRUE.** The bill **does not change current law** in regards to parental notification.

CPLAction RESPONSE: *HF826 expands a current bad student privacy law that allows minors to opt out of having their parents notified by also allowing school officials to opt out of calling parents. The bottom line is that there is no requirement for parents to be notified at all, even in the case where a child will be receiving discipline, re-education, psychological counseling, or mental health treatment.*

6 **Statewide reporting of bullying data on individuals will be required.**	**NO data collection** requirements in the bill.

CPLAction RESPONSE: *Rather than HF826 requiring schools to report summary data, the bill requires the climate center to gather the data (13.17). HF826 authorizes the Climate Center to gather that summary data. All engrossments of this bill have done two things. Previous versions required schools to report the data and required the Climate Center to gather the data with the assistance of the Commissioner of Education. In the most reversion, the language was removed requiring the districts to report but the legislative mandate is the same.*

Bullying incidents must still be included in the student records, as well. The Legislative Auditor reported that the MN Department of Education has a poor data protection system, and there is no requirement in the bill for data destruction on bullying when a student turns 18, even though there is for criminal charges.

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7 Community organizations are required to participate in the process.	**NOT TRUE.** The bill **does not REQUIRE** community organizations to participate. It **ENCOURAGES** school districts to partner with students, parents and the community when developing policies on bullying prevention.

CPLAction RESPONSE: *This statement is false. The law does mandate districts and schools to consult with community organizations to adopt, implement, review, and revise their bullying policies (3.26). The schools' and districts' "best practices" for prevention, remediation, and discipline policies must foster active community participation (3.35). Schools must provide information about "community resources" to all those affected by bullying incidents (5.18). Which groups will be brought in? Who will be giving instruction to the students? Parents cannot trust their children with any and every community organization. Parents may never know or approve of what group will be teaching their children that day.*

The schools are, finally, "encouraged" to partner with other community members to develop and implement prevention and intervention programs (6.20). However, one of the required duties of the Climate Council, comprised of 23 different state agencies and education groups, is to train the community about bullying (12.3). This is a massive expansion of state authority over private citizens.

8 Expands the definition and consequences of bullying to school personnel and volunteers.	**NOT TRUE.** This bill language **does not include school personnel** who are covered under current law. All references to volunteers are removed from the bill.

CPLAction RESPONSE: *The language that applied the bullying policies to all school personnel was replaced on March 11th by language that states that the school policy shall "define the roles and responsibilities of school personnel and volunteers." This language is vague and open-ended. Under HF826, all school personnel are legally mandated reporters (4.17) of even suspected activity (4.33) and could be sanctioned for failing to report.*

The Governor's Task Force on Bullying also calls for teacher licensure programs to be tied to teachers' compliance. Expect this to be brought up in the future if HF826 is passed.

9 Requires a complex system to train school volunteers.	**NOT TRUE.** School volunteer training is not in the bill.

CPLAction RESPONSE: *Once again, the flyer intentionally misleads the reader into thinking something, in this case, volunteer training, has never been part of the Bullying Bill. Mandatory volunteer training has been part of HF826 since it was introduced and was only removed on March 11th in the final committee hearing in response to a drumbeat of protest from districts, schools, and administrators.*

What is clear is that proponents want this, and they will come back for it in a later year if the bill passes. Volunteer training could even be reinserted by amendment on the Senate floor.

10 The definition of bullying is too broad.	**NOT TRUE. The definition is quite narrow.** There must be a pattern of conduct and an imbalance of power between the target and the person bullying.

CPLAction RESPONSE: *The definition of bullying is exceptionally broad. "An actual or perceived imbalance of power" can mean just about anything the courts decide it will mean. "Objectively offensive" is undefined. "Emotional distress" is extremely broad. "Actual or perceived…gender identity and expression" are undefined anywhere in Minnesota Statute, and can be applied so broadly that objecting to sharing bathrooms and dressing rooms with members of the opposite sex can be considered biased, as has already been ruled in the state of California.*

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11 Adds excessive special education requirements.	**NOT TRUE. Special Education requirements have been made permissive not mandated.** IEP and 504 teams ***may*** include objectives around social behaviors for students who engage in bullying behavior.
	CPLAction RESPONSE: *Special Education mandates were all required until a March 11th hearing, almost a year after the Bullying Bill was passed out of the House and only after intense protest. The fact is, once this was brought to light, HF826 proponents were forced to make changes. However, their intentions and the policy changes they will continue to seek to implement in the future are clear.*
12 Mandates designation of a staff member as primary point of conduct.	**TRUE. However, new personnel will not be required.** The responsibility for primary point of conduct can be incorporated into a current position.
	CPLAction RESPONSE: *There is no justification whatsoever for this statement. Is everybody going to do this job for free? This requirement is not just one point of contact for each school district. This is one point of contact for every site. All bullying allegations, true or false, will require an investigation to begin within three days of the report. The staff person must be available to receive all reports; oversee the investigation; ensure that the policy and its procedures, including restorative practices, consequences, and sanctions are fairly and fully implemented; oversee policy and procedure; add to student records; and regulate access to records. Which employee at each site currently has this kind of discretionary time?*
13 Unfunded costs for school districts to implement.	**The costs to implement are greatly reduced. No costs for reporting and data collection.** The bill provides $1 million to develop new policies, provide training and offer access to experts to help local districts and schools. The bill also provides school districts with access to up to $7/per student through the existing Safe Schools Levy administered by local school boards.
	CPLAction RESPONSE: *The Minnesota Management and Budget office produced a local impact fiscal note of $20 million per year for the Bullying Bill, after revising it down 25% under pressure from Senator Dibble. A new Bully Tax in the form of a non-voter-approved levy is little comfort to local taxpayers.* *Throwing in another $1 million on top of the money already allocated from the general fund last year demonstrates what a truly expensive proposition HF826 is for Minnesotans. This is all taxpayer money. It is not paid for. It's new money. This is just cost shifting. Taxpayers pay for it whether it comes out of a levy or out of the general fund.* *Costs associated with this bill are far beyond what has been estimated. None of the now $2 million price tag on this bill will go to the schools to pay for the additional investigation record keeping, coordinating with law enforcement, creating new curriculum, special education needs, and reports that they will be mandated to implement. All this is still an unfunded mandate. Nor have the costs begun to be considered of almost certain litigation from parents whose children's and families' rights will be violated.*