

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2143

By Committee on Education

1-24

1 AN ACT concerning school districts; relating to bullying; requiring
2 adoption of **an independent review process as part of the district's**
3 policies prohibiting and preventing bullying; amending K.S.A. 72-6147
4 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) ~~The board of education of each school district~~
8 ~~shall adopt a policy to prohibit bullying either by any student, staff~~
9 ~~member or parent towards a student or by a student, staff member or~~
10 ~~parent towards a staff member on or while utilizing school property, in a~~
11 ~~school vehicle or at a school-sponsored activity or event. Such policy~~
12 ~~shall, at a minimum, incorporate the model policy promulgated by the state~~
13 ~~board of education pursuant to section 7, and amendments thereto, and~~
14 ~~shall:~~

15 (1) ~~Prohibit bullying of all students, as specified and defined in~~
16 ~~K.S.A. 72-6147, and amendments thereto, and sections 1 through 8, and~~
17 ~~amendments thereto;~~

18 (2) ~~designate one person in the school district as the primary contact~~
19 ~~regarding the bullying policy and procedures. The primary contact person~~
20 ~~shall receive copies of all formal and informal complaints, have~~
21 ~~responsibility for assuring the implementation of the policy and procedures~~
22 ~~and serve as the primary contact on the policy and procedures between the~~
23 ~~school district and the state board of education;~~

24 (3) ~~require staff members and trained volunteers who witness~~
25 ~~incidents of bullying to promptly report such information to the designated~~
26 ~~school administrator, who shall be the principal, or the principal's~~
27 ~~designee, for the school where such incident occurred or where such~~
28 ~~individual is assigned and to the school district primary contact person;~~

29 (4) ~~provide a procedure for prompt investigation of complaints of~~
30 ~~bullying, identifying the designated school administrator as the person~~
31 ~~responsible for such investigations;~~

32 (5) ~~delineate the range of ways in which a school may respond once~~
33 ~~an incident of bullying is identified, including a range of age-appropriate~~
34 ~~consequences that may attach to the prohibited bullying;~~

35 (6) ~~prohibit reprisal or retaliation against any person who reports an~~
36 ~~act of bullying and describe appropriate remedial action for any such~~

1 person;

2 ~~(7) allow for anonymous reporting while clarifying that no responsive~~
3 ~~action, including any age-appropriate consequences, may be undertaken~~
4 ~~solely on the basis of an anonymous report;~~

5 ~~(8) include a statement of how the policy is to be publicized,~~
6 ~~including that the school district's policy shall appear:~~

7 ~~(A) In new employee training materials;~~

8 ~~(B) in any publication of the school district that sets forth the~~
9 ~~comprehensive rules, procedures and standards of conduct for schools~~
10 ~~within the school district;~~

11 ~~(C) in any student handbook;~~

12 ~~(D) on the school district's website, with a link prominently posted on~~
13 ~~the homepage of such website; and~~

14 ~~(E) in an annual publication distributed to parents who have children~~
15 ~~enrolled in a school operated by the school district; and~~

16 ~~(9) describe a process by which data on incidents of bullying shall be~~
17 ~~collected, reported and analyzed at least on an annual basis.~~

18 ~~(b) The board of education of each school district may adopt~~
19 ~~additional policies relating to bullying pursuant to K.S.A. 72-1138(e), and~~
20 ~~amendments thereto.~~

21 ~~(e) The board of education of each school district shall adopt and~~
22 ~~implement a plan to address bullying in accordance with the policy~~
23 ~~adopted pursuant to this section. Such plan shall be submitted to the~~
24 ~~department of education and shall be kept on file with the department.~~

25 ~~New Sec. 2. (a) All allegations of bullying shall be reported to the~~
26 ~~designated school administrator, either orally or in writing. Any student,~~
27 ~~parent or staff member may file a report. If a report contains incomplete~~
28 ~~information, the designated school administrator shall take reasonable~~
29 ~~measures to contact the individuals involved to determine whether an~~
30 ~~investigation should be pursued.~~

31 ~~(b) Upon receiving a complaint of bullying the designated school~~
32 ~~administrator shall:~~

33 ~~(1) Promptly and thoroughly investigate the alleged incident;~~

34 ~~(2) take immediate steps, at the designated school administrator's~~
35 ~~discretion, to protect any students or staff members involved in the alleged~~
36 ~~incident pending completion of the investigation;~~

37 ~~(3) in accordance with the provisions of section 3, and amendments~~
38 ~~thereto, provide notification to the parents of all students involved in an~~
39 ~~alleged incident;~~

40 ~~(4) maintain a written record, which may be kept in electronic format,~~
41 ~~of the complaint, any investigation and any intervention or disciplinary~~
42 ~~actions taken;~~

43 ~~(5) take proper disciplinary action immediately following the~~

1 conclusion of the investigation; and

2 ~~(6) issue a report in a timely manner regarding the incident,~~
3 ~~investigation and any disciplinary measures taken to all students, parents~~
4 ~~or staff members involved in the alleged incident, while maintaining the~~
5 ~~privacy and safety of the students.~~

6 ~~(e) Reports of bullying may be filed anonymously. However,~~
7 ~~disciplinary action cannot be taken solely based on an anonymous report.~~
8 ~~Anonymous reports will be investigated with the same procedure,~~
9 ~~timeliness and vigor as other reports, and disciplinary action can occur~~
10 ~~based on the results of an investigation.~~

11 ~~(d) Any student who knowingly and willfully makes a false report of~~
12 ~~bullying shall be subject to disciplinary action.~~

13 ~~(e) A designated school administrator shall use the procedure~~
14 ~~specified in this section to investigate reports of retaliation or threats of~~
15 ~~retaliation that are meant to intimidate the victim of the bullying incident,~~
16 ~~or towards any person investigating such incident.~~

17 ~~(f) Incidents of bullying that involve criminal activity shall be~~
18 ~~reported to law enforcement in accordance with K.S.A. 72-6141 et seq.,~~
19 ~~and amendments thereto.~~

20 ~~(g) Any person who makes a report pursuant to this section **alleging**~~
21 ~~**bullying** may request that the school district conduct an independent~~
22 ~~review if such person:~~

23 (1) Believes that the ~~designated~~ school administrator did not correctly
24 analyze the complaint and failed to conduct an investigation of the
25 incident, because the ~~designated~~ school administrator believed the alleged
26 conduct did not constitute bullying;

27 (2) is dissatisfied with the final determination of the ~~designated~~
28 school administrator following an investigation; or

29 (3) believes that although a final determination was made that
30 bullying occurred, the school's response was inadequate to correct the
31 problem.

32 **(b) Any such request shall be made in writing to the superintendent**
33 **of the school district. Upon receipt of such request, the superintendent**
34 **shall promptly **notify the board of education of the district of such****
35 **request. The board of education may conduct its own review or direct**
36 **the initiation of an independent review.**

37 **(c) Upon direction by the board of education or, after completion**
38 **of such board's review, upon renewal of such request by the person**
39 **who originally requested an independent review, the superintendent**
40 **shall promptly initiate an independent review by a neutral person, and the**
41 ~~designated~~ school administrator who received the initial report and any
42 other staff members shall cooperate with the independent review such that
43 the review may proceed expeditiously. The independent review shall

1 consist of an interview of the person who made the initial report and any
2 relevant staff members and a review of the written materials from the
3 designated school administrator's investigation.

4 ~~New Sec. 3.— No educational or other personal data of the alleged~~
5 ~~perpetrator shall be disclosed. In certain circumstances, disclosure of the~~
6 ~~basis for which a student is bullied may result in additional negative~~
7 ~~consequences to the student's health and well-being. Prior to notification of~~
8 ~~any parent regarding any incident of bullying, the designated school~~
9 ~~administrator shall consider the issue of notification the same as any other~~
10 ~~educationally-relevant decision, which includes considering the health,~~
11 ~~well-being and safety of any students involved in the incident.~~

12 ~~New Sec. 4.— Disciplinary actions for bullying may include, but are~~
13 ~~not limited to: Warnings; counseling; loss of opportunity to participate in~~
14 ~~extracurricular activities; school social events or graduation exercises; loss~~
15 ~~of school bus transportation; community service; in-school suspension;~~
16 ~~short term suspension; or transfer to another school. The specific~~
17 ~~consequences shall be consistent, reasonable, fair, age-appropriate and~~
18 ~~match the severity of the incident. A school district shall promote~~
19 ~~progressive discipline and intervention as opposed to the implementation~~
20 ~~of "zero tolerance" policies.~~

21 ~~New Sec. 5.— The board of education of each school district shall~~
22 ~~implement ongoing professional development to build the skills of all staff~~
23 ~~members to prevent, identify and respond to bullying. The content of such~~
24 ~~professional development shall include, but not be limited to: (a)~~
25 ~~Developmentally appropriate strategies to prevent bullying incidents; (b)~~
26 ~~developmentally appropriate strategies for immediate, effective~~
27 ~~interventions to stop bullying incidents; (c) information regarding the~~
28 ~~complex interaction and power differential that can take place between and~~
29 ~~among a perpetrator, victim and witnesses to the bullying; (d) research~~
30 ~~findings on bullying, including information about specific categories of~~
31 ~~students who have been shown to be particularly at risk for bullying in the~~
32 ~~school environment; (e) information on the incidence and nature of~~
33 ~~cyberbullying; and (f) internet safety issues related to cyberbullying. The~~
34 ~~board may identify and offer information on alternative methods for~~
35 ~~fulfilling the professional development requirements of this section.~~

36 ~~New Sec. 6.— Each school operated by a school district shall present, in~~
37 ~~age-appropriate language, the school district's bullying policy as part of~~
38 ~~any orientation program conducted for students at the beginning of each~~
39 ~~academic term. Such presentation shall include instruction on: How to~~
40 ~~prevent bullying; the process for making a report; the process of~~
41 ~~investigating reports; and the potential consequences that may result from~~
42 ~~an investigation.~~

43 ~~New Sec. 7.— (a) In order to assist school districts in developing~~

1 policies for the prevention of bullying, the state board of education shall
 2 develop and maintain a model policy that is applicable to grades—
 3 kindergarten and one through 12, and that contains definitions of bullying
 4 that are consistent with K.S.A. 72-6147, and amendments thereto.

5 ~~(b)~~ The state board shall develop appropriate procedures for:

6 ~~(1)~~ Investigating violations of sections 1 through 8, and amendments
 7 thereto;

8 ~~(2)~~ the reporting of and responding to failures in adopting and
 9 implementing bullying policies and procedures;

10 ~~(3)~~ the reporting of incidents of bullying by school districts; and

11 ~~(4)~~ publication of statewide statistics concerning bullying.

12 ~~(e)~~ The state board shall adopt rules and regulations necessary to
 13 implement the provisions of K.S.A. 72-6147, and amendments thereto, and
 14 sections 1 through 8, and amendments thereto.

15 ~~New Sec. 8. Nothing in K.S.A. 72-6147, and amendments thereto,~~
 16 ~~and sections 1 through 7, and amendments thereto, shall be construed to~~
 17 ~~limit or supersede, or in any manner affect or diminish the requirements of~~
 18 ~~compliance by a staff member with the provisions of K.S.A. 38-2223 or~~
 19 ~~38-2226, and amendments thereto.~~

20 ~~Sec. 9 2.~~ K.S.A. 72-6147 is hereby amended to read as follows: 72-
 6147. ~~(a)~~ **(a)** As used in this section ~~and sections~~ **section 1 through 8,** and
 22 ~~amendments thereto:~~

23 ~~(1)~~ **(1)** "Bullying" means:

24 ~~(A)~~ **(A)** Any intentional gesture or any intentional written, verbal,
 25 electronic or physical act or threat either by any student, staff member or
 26 parent towards a student or by any student, staff member or parent towards
 27 a staff member that is sufficiently severe, persistent or pervasive that such
 28 gesture, act or threat creates an intimidating, threatening or abusive
 29 educational environment that a reasonable person, under the
 30 circumstances, knows or should know will have the effect of:

31 ~~(i)~~ **(i)** Harming a student or staff member, whether physically or
 32 mentally;

33 ~~(ii)~~ **(ii)** damaging a student's or staff member's property;

34 ~~(iii)~~ **(iii)** placing a student or staff member in reasonable fear of
 35 harm to the student or staff member; or

36 ~~(iv)~~ **(iv)** placing a student or staff member in reasonable fear of
 37 damage to the student's or staff member's property;

38 ~~(B)~~ **(B)** cyberbullying; or

39 ~~(C)~~ **(C)** any other form of intimidation or harassment prohibited by
 40 the board of education of the school district in policies concerning bullying
 41 adopted pursuant to this section or ~~subsection (e)~~ of K.S.A. 72-1138(e),
 42 and amendments thereto.

43 ~~(2)~~ **(2)** "Cyberbullying" means bullying by use of any electronic

1 communication device through means including, but not limited to, e-mail,
2 instant messaging, text messages, blogs, mobile phones, pagers, online
3 games and websites.

4 ~~(3)(e)~~**(3)** "Parent" includes a guardian, custodian or other person with
5 authority to act on behalf of the child.

6 ~~(4)(d)~~**(4)** "School district" or "district" means any unified school
7 district organized and operating under the laws of this state.

8 ~~(5)(e)~~**(5)** "School vehicle" means any school bus, school van, other
9 school vehicle and private vehicle used to transport students or staff
10 members to and from school or any school-sponsored activity or event.

11 ~~(6)(f)~~**(6)** "Staff member" means any person employed by a school
12 district.

13 ~~(b) The board of education of each school district shall adopt a policy
14 to prohibit bullying either by any student, staff member or parent towards
15 a student or by a student, staff member or parent towards a staff member
16 on or while utilizing school property, in a school vehicle or at a school-
17 sponsored activity or event.~~

18 ~~(c) The board of education of each school district shall adopt and
19 implement a plan to address bullying either by any student, staff member
20 or parent towards a student or by a student, staff member or parent towards
21 a staff member on school property, in a school vehicle or at a school-
22 sponsored activity or event. Such plan shall include provisions for the
23 training and education for staff members and students.~~

24 ~~(d) The board of education of each school district may adopt
25 additional policies relating to bullying pursuant to subsection (c) of K.S.A.
26 72-1138, and amendments thereto.~~

27 ~~(e) Nothing in this section shall be construed to limit or supersede or
28 in any manner affect or diminish the requirements of compliance by a staff
29 member with the provisions of K.S.A. 38-2223 or 38-2226, and
30 amendments thereto.~~

31 **(b) The board of education of each school district shall adopt a
32 policy to prohibit bullying either by any student, staff member or
33 parent toward a student or by a student, staff member or parent
34 toward a staff member on or while utilizing school property, in a
35 school vehicle or at a school-sponsored activity or event. Such policy
36 shall include procedures for an independent review of school
37 administrator determinations in accordance with section 1, and
38 amendments thereto.**

39 **(c) The board of education of each school district shall adopt and
40 implement a plan to address bullying either by any student, staff
41 member or parent toward a student or by a student, staff member or
42 parent toward a staff member on school property, in a school vehicle
43 or at a school-sponsored activity or event. Such plan shall include**

1 **provisions for the training and education for staff members and**
2 **students.**

3 **(d) The board of education of each school district may adopt**
4 **additional policies relating to bullying pursuant to K.S.A. 72-1138(e),**
5 **and amendments thereto.**

6 **(e) Nothing in this section shall be construed to limit or supersede**
7 **or in any manner affect or diminish the requirements of compliance**
8 **by a staff member with the provisions of K.S.A. 38-2223 or 38-2226,**
9 **and amendments thereto.**

10 ~~Sec. 40 3.~~ K.S.A. 72-6147 is hereby repealed.

11 ~~Sec. 44 4.~~ This act shall take effect and be in force from and after its
12 publication in the statute book.