



2250 N. Rock Road #118-250
Wichita, KS 67226
316-993-3900

**Senate Education Committee
January 31, 2012
Testimony regarding SB 278
Robert Noland – Kansas Family Policy Council**

Thank you for the opportunity to speak with you today. My name is Robert Noland and I am the Executive Director for the Kansas Family Policy Council. I am here today to address concerns found in the text of SB 278 and to share my organizations views on bullying and ways we as a society can address it.

First and foremost, bullying is an important topic and one which needs to be addressed in our culture. The news is replete with tragic examples of how bullying can result in consequences that forever change lives and do great harm. Without question; all intimidation whether written, physical or verbal should be addressed. Schools need to be safe places to learn in order to prepare our children for success in life.

My concerns with SB 278 fall into three general categories: school autonomy, parental rights, and free speech.

First, it was demonstrated in the hearing yesterday that there are a number of ways in which schools across the state have chosen to combat the problem of bullying. As per state law, each school district is given free rein to determine the best bullying policy and plan. Current law creates a workable and flexible framework in which school districts can best determine the course of action they need to take based upon past experience, current demographics and budget constraints. Kansas has always given its school districts the power and prerogative to set policy and enact safeguards in areas such as school security, curriculum and educational priorities. SB 278 appears to go a long way towards statutorily establishing a comprehensive and detailed statewide plan in a one-size-fits-all approach. Contrary to SB 278, current law establishes definitions as to bullying and how to address it – leaving the investigative practices and determination of consequences to each school district to formulate as they will.

My second area of concern deals with the direction that SB 278 takes to identify those who are singled out for protection in its section on harassment. The legislation specifically identifies sexual orientation

and expression as well as gender identity as categories along with race, color, national origin, ancestry, sex, religion and disability. Given that the bill also instructs schools to develop instructional plans for addressing bullying and the different individuals who are targets, it appears this is a concern for parents who teach their children certain values at home related specifically to the inclusion of sexual orientation and expression and gender identity. There are examples from across the nation in which school districts that have adopted more progressive anti-bullying policies, such as those prescribed in SB 278, in which very troubling aspects have come into the curriculum. As SB 278 proposes, these instructional elements would begin in kindergarten and run through the twelfth grade. In other areas of the country these standards have resulted in curriculum that not only educates about alternative lifestyles, but also can be viewed as to encourage and advocate for the adoption of alternative lifestyles. The concerns for parents is that children would be going to schools where they receive instructional information from authority figures which runs counter to the values and beliefs they receive at home or in church. (See examples in packet)

There are groups nationally like the Gay and Lesbian Student Education Network who have developed curricula for schools to combat bullying which often find their ways into classrooms in districts where progressive plans to address bullying are adopted – policies very similar to what we see outlined in SB 278.

I also think that this legislation is concerning as it relates to the marriage issue in Kansas as well. Kansas has adopted a marriage amendment to its constitution and although bullying is an issue far from the legal and constitutional debate regarding marriage, it is incumbent upon us to consider a curriculum that teaches and advocates alternative lifestyles and its effects upon the perception of marriage among our children today. I believe that even proponents of this legislation would be hard pressed to tell us that the planned instructional and curricular material that would be promulgated as a result of this legislation would not have an effect upon the minds of children in their most formative years. To encourage our schools to encompass material that teaches certain aspects of life that minimize marriage between a man and a woman seems to run counter to the prerogative of most Kansans.

Lastly, this legislation when enacted in other states and school districts has had an effect upon freedom of speech. Children who are raised to believe certain things based upon a deep abiding faith could feel that they are unable to or prevented from sharing their views among friends or even in open discussions about these issues in the classroom. Many parents raise their children with a faith system that states that certain truths are incontrovertible. Those who believe such things could find discussions even among like-minded friends forbidden or targeted as bullying and harassment if they take place in the school setting.

There have also been examples where groups of students of a common faith have been prevented from organizing or meeting lest their group be deemed as intolerant or non-inclusive – both are examples of practices addressed in this bill as bullying or harassment. (See Examples)

Bullying and harassment can be addressed without singling out certain types of children or categories of children based upon behavior or lifestyle, without mandating one-size-fits-all protocols or plans to

school districts and also without disturbing any student or student group's free speech rights. In your material today you have model legislation that very simply states that bullying and intimidation in all its forms is wrong and needs to be combated in effective and decisive ways. The model legislation lays out via state law how this can be accomplished without an overtly political intent, troubling curriculum guidelines or a complicated mandate to school districts.

If a change is needed in state law, I hope you can find time to review the model legislation and consider it as well.

Thank you for the opportunity to visit with you today.