



## End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt  
Executive Director, Equality Kansas  
In Support of HB 2257  
House Committee on K-12 Education Budget  
February 19, 2019

A handwritten signature in black ink, appearing to read 'ORAL', is written over a horizontal line.

Greetings Madame Chair and members of the committee –

Equality Kansas has supported legislation aimed at eliminating bullying in schools since the 2006 legislative session, and supported passage of our state’s first bullying-prevention statute in 2007, K.S.A. 2017 Supp. 72-6147. We subsequently supported 2008’s cyberbullying amendment. Since that time, our organization has monitored implementation progress among Kansas’ 280-plus school districts, with our regional chapters working with many districts to improve and implement bullying prevention policies and programs at the local level.

Most recently, Equality Kansas supported last year’s HB2578 and HB2758, which would have required school districts to include reporting and remediation in their bullying prevention policies, and to fully publish their policies and implementation plans on their district websites. HB2758 passed the House 120 – 1. Unfortunately, there was not time to schedule a Senate committee hearing and the bill died.

In our work on bullying prevention, we have learned that effective programs include education of students, professional development programs for faculty, staff, and administrators, support for both victims and perpetrators of school bullying, and varying degrees of consequences and remediation. Effective programs also require accountability from all involved – from faculty and students who report incidents of bullying to the administrators who conduct the investigations and decide remedies and consequences.

Most districts have adopted a “boilerplate” policy distributed by the Kansas Association of School Boards. Those policies are minimal and do not include procedures for implementation or reporting:

*The board of education prohibits bullying in any form, including electronic means, on or while using school property, in a school vehicle or at a school-sponsored activity or event. The administration shall propose, and the board shall review and approve a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event.*

*The plan shall include provisions for the training and education of staff members and students and shall include appropriate community involvement as approved by the board. Students who have bullied others in violation of this policy may be subject to disciplinary action, up to and including suspension and expulsion. If appropriate, students who violate the bullying prohibition shall be reported to local law enforcement.*

Beginning with the 2009/2010 school year, Equality Kansas has conducted a biennial survey of school district bullying prevention policies and plans. As part of that survey process, most recently completed in the 2014/2015 school year, we have researched district websites, looking for their bullying prevention policies and procedures. We have followed that research with letters to superintendents requesting bullying prevention materials not available on their websites. We have found that many school districts have been very slow to

comply with the basic requirements of the law, and some becoming minimally compliant only after repeated contacts from our organization.

Most school districts have adopted and posted their bullying policies online. Only a minority of districts, however, make their implementation plans public. Students and their families have little to no guidance or information on how to report or resolve bullying incidents.

HB 2257 adds a number of requirements to current statute, but unlike other bills and amendments introduced this year and in prior years, the intent is to avoid micro-management of school districts in their efforts to prevent bullying.

The bill, if passed, in addition to what's currently in statute, will:

- Require school districts to designate one person of their choice to act as the primary contact person on all aspects of bullying prevention. The primary contact person must take immediate steps to protect students and staff members involved in the incident, notify the parents of students involved, maintain a written record, and take appropriate action at the conclusion of an investigation.
- Require staff members who witness bullying to promptly report each incident to the designated school official. The bill further requires school districts to provide ongoing professional development to staff to prevent, identify, and respond to bullying.
- Provide a procedure for prompt investigation of reports of bullying.
- Define age-appropriate consequences for bullying. These consequences may include may include, but are not limited to: warnings; counseling; loss of opportunity to participate in extracurricular activities, school social events or graduation exercises; loss of school bus transportation; community service; in-school suspension; short term suspension; or transfer to another school. Incidents that involve suspected criminal activity are to be referred to law enforcement. In all cases, schools shall promote escalating intervention as opposed to "zero-tolerance" policies.
- Allow any person, including students, parents, and staff, may report an incident of bullying. It prohibits reprisals against persons who report bullying, so long as those reporting do not knowingly or willingly provide a false report.
- Protect student privacy and safety by prohibiting the release of educational or persona data of alleged perpetrators.
- Require school districts to widely distribute and publish bullying policies and procedures, including in employee training materials, school conduct guides, student handbooks, linked prominently on district websites, and in annual reports to parents whose children are enrolled the district.
- Requires the state board of education to develop model policies and procedures, and to adopt any necessary rules and regulations necessary for implementation.
- Requires schools, school districts, and the state board of education to collect and compile statistics on bullying, and provide a report at least once per year.

Kansas school districts are incredibly diverse – from urban districts with over 50,000 students to small rural districts with just a few hundred. We believe the best approach is to allow districts to develop policies and procedures that best fit their local communities. While HB 2257 is comprehensive, it does not impose specific policy implementations on school districts. Instead, it gives school districts broad guidelines to follow in the development of policies and procedures that best fit their district.

Thank you for your time and attention. I am happy to stand for questions.