

SENATE BILL No. 410

By Committee on Education

2-11

1 AN ACT concerning education; relating to school districts; requiring
2 publication of bullying policies; report on bullying incidents at each
3 attendance center; amending K.S.A. 72-6147 and repealing the existing
4 section.

5

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

7 Section 1. K.S.A. 72-6147 is hereby amended to read as follows: 72-
8 6147. (a) As used in this section:

9 (1) "Bullying" means:

10 (A) Any intentional gesture or any intentional written, verbal,
11 electronic or physical act or threat either by any student, staff member or
12 parent towards a student or by any student, staff member or parent towards
13 a staff member that is sufficiently severe, persistent or pervasive that such
14 gesture, act or threat creates an intimidating, threatening or abusive
15 educational environment that a reasonable person, under the
16 circumstances, knows or should know will have the effect of:

17 (i) Harming a student or staff member, whether physically or
18 mentally;

19 (ii) damaging a student's or staff member's property;

20 (iii) placing a student or staff member in reasonable fear of harm to
21 the student or staff member; or

22 (iv) placing a student or staff member in reasonable fear of damage to
23 the student's or staff member's property;

24 (B) cyberbullying; or

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

29 (2) "Cyberbullying" means bullying by use of any electronic
30 communication device through means including, but not limited to, e-mail,
31 instant messaging, text messages, blogs, mobile phones, pagers, online
32 games and websites.

33 (3) "Parent" includes a guardian, custodian or other person with
34 authority to act on behalf of the child.

35 (4) "School ~~district~~ or ~~district~~" means any unified school district
36 organized and operating under the laws of this state.

Strike in line 35

or any qualified school that has eligible students attending such
school as provided in the tax credit for low income students
scholarship program act, K.S.A. 72-4351 et seq., and amendments
thereto

1 (5) "School vehicle" means any school bus, school van, other school
2 vehicle and private vehicle used to transport students or staff members to
3 and from school or any school-sponsored activity or event.

4 (6) "Staff member" means any person employed by a school district.

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

Strike in lines 5, 10, 17 & 22

10 (c) ~~The board of education of each school district shall adopt and~~
11 implement a plan to address bullying either by any student, staff member
12 or parent towards a student or by a student, staff member or parent towards
13 a staff member on school property, in a school vehicle or at a school-
14 sponsored activity or event. Such plan shall include *a bullying reporting*
15 *and resolution process* and provisions for the training and education for
16 staff members and students.

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

20 (e) (1) *Any policy to prohibit bullying, any plan to address bullying*
21 *and any bullying reporting and resolution process adopted by a school*
22 *district shall be:*

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23 (A) *Published on the school district's website with a link prominently*
24 *posted on the homepage of each such website;*

25 (B) *published on the website of any attendance center that has its*
26 *own website with a link prominently posted on the homepage of such*
27 *website. If an attendance center has its own bullying policy, plan or*
28 *reporting and resolution process, such policy, plan or reporting and*
29 *resolution process shall also be published on the attendance center's*
30 *website;*

31 (C) *distributed annually to parents and guardians upon enrollment of*
32 *a student in such school district;*

Strike in lines 32, 33 & 40

33 (D) *included in any school district or school handbook; and*

34 (E) *included in any staff training materials.*

35 (2) *As used in this subsection, "bullying reporting and resolution*
36 *process" includes:*

37 (A) *Reporting procedures, including anonymous reporting*
38 *procedures;*

39 (B) *reporting forms;*

40 (C) *names of school district and attendance center personnel to*
41 *whom reports are made or delivered;*

42 (D) *a timeline for resolving bullying incidents;*

43 (E) *interventions and consequences for victims and perpetrators of*

1 *bullying; and*
2 *(F) training and educational requirements or materials for students*
3 *and school staff members.*

4 *(3) Any information published or distributed pursuant to paragraph*
5 *(1) shall include instructions for the public on how to obtain and view any*
6 *training and educational requirements or materials for students and*
7 *school staff members.*

8 *(f) (1) Each school district shall annually submit to the state board of*
9 *education a report containing the following information for each*
10 *attendance center within the school district for the preceding school year:*

Strike in lines 8, 10 & 27

11 *(A) The number of unique bullying incidents reported, including, but*
12 *not limited to, the number of unique victims, the number of unique*
13 *perpetrators and whether or not such incidents were anonymous or in-*
14 *person;*

15 *(B) the types of bullying incidents reported, including, but not limited*
16 *to, physical bullying, verbal bullying, cyberbullying or indirect bullying;*
17 *and*

18 *(C) the number of reported bullying incidents resolved in each of the*
19 *following manners:*

- 20 *(i) Counseling and remediation;*
- 21 *(ii) in-school suspension;*
- 22 *(iii) out-of-school suspension;*
- 23 *(iv) expulsion;*
- 24 *(v) referral to law enforcement;*
- 25 *(vi) a finding of no bullying incident; and*
- 26 *(vii) any other method of resolution.*

27 *(2) Each school district shall publish the report submitted pursuant*
28 *to paragraph (1) on the school district's website with a link prominently*
29 *posted on the homepage of such website. Each attendance center that has*
30 *its own website shall publish the information in the report submitted*
31 *pursuant to paragraph (1) that is specific to such attendance center on its*
32 *website with a link prominently posted on the homepage of such website.*

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33 *(3) The state board of education shall annually compile the reports*
34 *submitted pursuant to paragraph (1) and prepare a summary report that*
35 *shall be submitted to the senate committee on education and the house of*
36 *representatives committee on education.*

37 *(g) Nothing in this section shall be construed to limit or supersede or*
38 *in any manner affect or diminish the requirements of compliance by a staff*
39 *member with the provisions of K.S.A. 2019 Supp. 38-2223 or 38-2226,*
40 *and amendments thereto.*

41 *Sec. 2. K.S.A. 72-6147 is hereby repealed.*

42 *Sec. 3. This act shall take effect and be in force from and after its*
43 *publication in the statute book.*