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Opponent Testimony

HB 2143 - AN ACT concerning school districts; relating to bullying; requiring adoption of policies prohibiting and preventing bullying; amending K.S.A. 72-6147 and repealing the existing section.

Presented to the House Committee on Education

Wednesday, February 1, 2023

by

Deena Horst and Ann Mah, Legislative Liaisons

Kansas State Board of Education

Chairman Thomas, Vice - Chairwoman Estes, Ranking Minority Member Stogsdill and members of the House Committee on Education:

Nearly four years ago, Commissioner of Education Randy Watson appointed a Blue Ribbon Task Force to examine the issues of bullying in the state's schools and report recommendations to the Kansas State Board of Education. While HB 2143 is admirable in its desire to address bullying in Kansas schools, it fails to implement many of the Task Force's recommendations and oversteps into decision-making best left to the local level.

This bill maintains the requirement that the board of education of each school district must adopt a policy prohibiting bullying by and toward any student, staff member or parent while on or utilizing school property or at a school-sponsored activity or event. Unfortunately, the bill maintains the same antiquated definitions that were first adopted in 2007. The State Board recommends that if laws are to be changed, the first change should be in how bullying is different than and treated differently than peer conflict.

Although many of the new requirements imposed by HB 2143 appear in line with the Task Force recommendations, many others do not, nor do they reflect known best practices. For example, New Section 4 suggests multiple forms of exclusionary discipline. Research shows that exclusionary discipline is not effective, and it should not be suggested in the law as being appropriate.

HB 2143 also appears to ignore the policy changes that have already been implemented as a result of the Task Force. Those changes include definitions of different types of bullying; a requirement that each district develop and implement a bullying prohibition and prevention

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policy; determine a course of study that informs students each year about bullying at their developmental level; and determine a course of study that informs staff about bullying and procedures to follow when bullying occurs. A Bullying Prevention Toolkit has been developed and shared with each district. The toolkit includes resources that the district can use to develop its bullying policy and to determine the professional development training that will be administered annually to prohibit and prevent bullying in the district. Since research shows exclusionary discipline is not as effective as restorative practices, suggestions made by the Kansas State Department of Education (KSDE) are not exclusionary but do promote progressive discipline and intervention.

There are some statements in the bill we feel are unnecessarily prescriptive. Since local boards of education have local control, we believe it to be wise to allow the local boards to be directed in a general manner rather than in a manner that appears to require districts to only implement bullying procedures as directed in the bill. The current statutory language recognizes that districts can follow requirements without being told each step to take, enabling them to develop a bullying prevention plan that addresses the district's individual needs, thus meeting the needs of that district to a greater extent than having to follow a prescriptive statute. Proposed language from the bill is confusing and will likely lead to misinterpretation. New Sec. 3 prohibits the disclosure of educational or other personal data of the alleged perpetrator. To whom is disclosure prohibited? If the person assigned to investigate an allegation of bullying is not allowed access to information about the alleged bully, such a restriction will likely make a viable investigation impossible. The same may be said about whomever is charged with conducting an independent review.

We ask that the Committee recognize that the preponderance of the proposals in HB 2143 are already required by KSDE on behalf of the State Board of Education. It is the belief of the State Board of Education, that Legislators, when working with the State Board and KSDE, should together evaluate for merit any additional requirements. In fact, if a district is known not to be in compliance with the bullying requirements, we respectfully request that you contact KSDE, so that staff members may assist the district in becoming compliant. The State Board of Education considers the Legislature to be a partner in finding solutions to education issues such as bullying, but if and when legislation becomes necessary to enforce our policies, the State Board of Education should be the entity to request such action.

Thank you for your consideration of our viewpoint. We ask that you not forward HB 2143 to the entire House of Representatives since it duplicates requirements already in place in response to the State Board of Education's required supervision of schools as specified by the Kansas Constitution.