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MEMORANDUM

To: Chairman Thomas
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 1, 2023

Subject: HB 2143 – Policies and procedures addressing bullying.

House Bill No. 2143 (HB 2143) would require school districts to adopt policies and procedures to prohibit and prevent bullying in accordance with state law. The bill would create eight new sections of law, and amends the current bullying statute, K.S.A. 72-6147.

Section 1 of HB 2143 requires the adoption of a policy to prohibit bullying that, at a minimum, incorporates the provisions of the model policy developed by the State Board of Education (State Board), and the requirements set out in Section 1. The statutory requirements include:

- Prohibiting bullying of all students;
- designating a primary contact person for the district;
- providing training for staff members;
- investigating reports of bullying;
- specifying appropriate responses to bullying;
- prohibiting retaliation for reporting bullying; allowing for anonymous reporting;
- publishing the policy and procedures; and
- collecting and analyzing bullying data.

Each district is also required to adopt a plan to implement the new policy and procedures and file such plan with the State Board.

Section 2 governs reports and investigations of bullying. Any student, parent, or staff member may file a report, and reports may be anonymous – although disciplinary action cannot be based solely on an anonymous report. Filing a false report or retaliating against a person who

makes a report may also lead to disciplinary action. Any incidents that involve criminal activity are to be reported to law enforcement pursuant to the Kansas school safety and security act.

When a report is made the school administrator who is designated to handle such reports is required to investigate the incident, protect any students or staff members involved, notify the parents of all students involved of the report, keep a written record of the investigation, take appropriate disciplinary action, if necessary, and issue a report to all parties involved. All information provided to parents must be done in compliance with federal and state privacy laws pursuant to Section 3 of the bill. The person making the report can also request the district perform an independent review if: (1) The school administrator did not believe the incident constituted bullying; (2) the person is dissatisfied with the administrator's final determination; or (3) the person is dissatisfied with the response to the bullying behavior.

Section 3 prohibits the disclosure of any educational or personal information regarding an alleged perpetrator. Any information regarding a bullying incident can only be disclosed after consideration of the health, safety, and well-being of the students involved.

Section 4 lists various types of appropriate responses to bullying behavior. The section also requires that school districts promote a progressive approach to discipline as opposed to "zero tolerance" policies.

Section 5 requires each school district to provide appropriate staff member professional development to prevent, identify, and respond to bullying. Section 6 requires age-appropriate presentations at the beginning of each school year to the students on preventing and reporting bullying, and consequences of bullying.

Section 6 requires age-appropriate materials on the district's bullying policies be presented as part of the orientation program for students at the beginning of each school term.

Section 7 requires the State Board to adopt a model policy and procedures for districts to use as the basis for district-specific policies. The State Board also is required to adopt rules and regulations necessary to implement the act.

Section 8 provides that nothing in the act is to be interpreted as limiting in any way the obligations of mandatory child abuse reporters under the Revised Kansas Code for Care of Children.

Section 9 amends K.S.A. 72-6147, which is the current statute regarding bullying prevention policies. The amendment strikes all provisions that are not definitions so that the statute would simply become a definition section that is applicable to Sections 1-8 of the bill. The substantive provisions of K.S.A. 72-6147 have been moved to Sections 1 and 7 of the bill.

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If enacted, HB 2143 would become effective on July 1, 2023.