

HOUSE BILL No. 2143

By Committee on Education

1-24

1 AN ACT concerning school districts; relating to bullying; requiring
2 adoption of policies prohibiting and preventing bullying; amending
3 K.S.A. 72-6147 and repealing the existing section.
4

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

6 New Section 1. (a) The board of education of each school district
7 shall adopt a policy to prohibit bullying either by any student, staff
8 member or parent towards a student or by a student, staff member or
9 parent towards a staff member on or while utilizing school property, in a
10 school vehicle or at a school-sponsored activity or event. Such policy
11 shall, at a minimum, incorporate the model policy promulgated by the state
12 board of education pursuant to section 7, and amendments thereto, and
13 shall:

14 (1) Prohibit bullying of all students, as specified and defined in
15 K.S.A. 72-6147, and amendments thereto, and sections 1 through 8, and
16 amendments thereto;

17 (2) designate one person in the school district as the primary contact
18 regarding the bullying policy and procedures. The primary contact person
19 shall receive copies of all formal and informal complaints, have
20 responsibility for assuring the implementation of the policy and procedures
21 and serve as the primary contact on the policy and procedures between the
22 school district and the state board of education;

23 (3) require staff members and trained volunteers who witness
24 incidents of bullying to promptly report such information to the designated
25 school administrator, who shall be the principal, or the principal's
26 designee, for the school where such incident occurred or where such
27 individual is assigned and to the school district primary contact person;

28 (4) provide a procedure for prompt investigation of complaints of
29 bullying, identifying the designated school administrator as the person
30 responsible for such investigations;

31 (5) delineate the range of ways in which a school may respond once
32 an incident of bullying is identified, including a range of age-appropriate
33 consequences that may attach to the prohibited bullying;

34 (6) prohibit reprisal or retaliation against any person who reports an
35 act of bullying and describe appropriate remedial action for any such
36 person;

1 (7) allow for anonymous reporting while clarifying that no responsive
2 action, including any age-appropriate consequences, may be undertaken
3 solely on the basis of an anonymous report;

4 (8) include a statement of how the policy is to be publicized,
5 including that the school district's policy shall appear:

6 (A) In new employee training materials;

7 (B) in any publication of the school district that sets forth the
8 comprehensive rules, procedures and standards of conduct for schools
9 within the school district;

10 (C) in any student handbook;

11 (D) on the school district's website, with a link prominently posted on
12 the homepage of such website; and

13 (E) in an annual publication distributed to parents who have children
14 enrolled in a school operated by the school district; and

15 (9) describe a process by which data on incidents of bullying shall be
16 collected, reported and analyzed at least on an annual basis.

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

20 (c) The board of education of each school district shall adopt and
21 implement a plan to address bullying in accordance with the policy
22 adopted pursuant to this section. Such plan shall be submitted to the
23 department of education and shall be kept on file with the department.

24 New Sec. 2. (a) All allegations of bullying shall be reported to the
25 designated school administrator, either orally or in writing. Any student,
26 parent or staff member may file a report. If a report contains incomplete
27 information, the designated school administrator shall take reasonable
28 measures to contact the individuals involved to determine whether an
29 investigation should be pursued.

30 (b) Upon receiving a complaint of bullying the designated school
31 administrator shall:

32 (1) Promptly and thoroughly investigate the alleged incident;

33 (2) take immediate steps, at the designated school administrator's
34 discretion, to protect any students or staff members involved in the alleged
35 incident pending completion of the investigation;

36 (3) in accordance with the provisions of section 3, and amendments
37 thereto, provide notification to the parents of all students involved in an
38 alleged incident;

39 (4) maintain a written record, which may be kept in electronic format,
40 of the complaint, any investigation and any intervention or disciplinary
41 actions taken;

42 (5) take proper disciplinary action immediately following the
43 conclusion of the investigation; and

1 (6) issue a report in a timely manner regarding the incident,
2 investigation and any disciplinary measures taken to all students, parents
3 or staff members involved in the alleged incident, while maintaining the
4 privacy and safety of the students.

5 (c) Reports of bullying may be filed anonymously. However,
6 disciplinary action cannot be taken solely based on an anonymous report.
7 Anonymous reports will be investigated with the same procedure,
8 timeliness and vigor as other reports, and disciplinary action can occur
9 based on the results of an investigation.

10 (d) Any student who knowingly and willfully makes a false report of
11 bullying shall be subject to disciplinary action.

12 (e) A designated school administrator shall use the procedure
13 specified in this section to investigate reports of retaliation or threats of
14 retaliation that are meant to intimidate the victim of the bullying incident,
15 or towards any person investigating such incident.

16 (f) Incidents of bullying that involve criminal activity shall be
17 reported to law enforcement in accordance with K.S.A. 72-6141 et seq.,
18 and amendments thereto.

19 (g) Any person who makes a report pursuant to this section may
20 request that the school district conduct an independent review if such
21 person:

22 (1) Believes that the designated school administrator did not correctly
23 analyze the complaint and failed to conduct an investigation of the
24 incident, because the designated school administrator believed the alleged
25 conduct did not constitute bullying;

26 (2) is dissatisfied with the final determination of the designated
27 school administrator following an investigation; or

28 (3) believes that although a final determination was made that
29 bullying occurred, the school's response was inadequate to correct the
30 problem.

31 Any such request shall be made in writing to the superintendent of the
32 school district. Upon receipt of such request, the superintendent shall
33 promptly initiate an independent review by a neutral person, and the
34 designated school administrator who received the initial report and any
35 other staff members shall cooperate with the independent review such that
36 the review may proceed expeditiously. The independent review shall
37 consist of an interview of the person who made the initial report and any
38 relevant staff members and a review of the written materials from the
39 designated school administrator's investigation.

40 New Sec. 3. No educational or other personal data of the alleged
41 perpetrator shall be disclosed. In certain circumstances, disclosure of the
42 basis for which a student is bullied may result in additional negative
43 consequences to the student's health and well-being. Prior to notification of

1 any parent regarding any incident of bullying, the designated school
2 administrator shall consider the issue of notification the same as any other
3 educationally-relevant decision, which includes considering the health,
4 well-being and safety of any students involved in the incident.

5 New Sec. 4. Disciplinary actions for bullying may include, but are
6 not limited to: Warnings; counseling; loss of opportunity to participate in
7 extracurricular activities, school social events or graduation exercises; loss
8 of school bus transportation; community service; in-school suspension;
9 short term suspension; or transfer to another school. The specific
10 consequences shall be consistent, reasonable, fair, age-appropriate and
11 match the severity of the incident. A school district shall promote
12 progressive discipline and intervention as opposed to the implementation
13 of "zero tolerance" policies.

14 New Sec. 5. The board of education of each school district shall
15 implement ongoing professional development to build the skills of all staff
16 members to prevent, identify and respond to bullying. The content of such
17 professional development shall include, but not be limited to: (a)
18 Developmentally appropriate strategies to prevent bullying incidents; (b)
19 developmentally appropriate strategies for immediate, effective
20 interventions to stop bullying incidents; (c) information regarding the
21 complex interaction and power differential that can take place between and
22 among a perpetrator, victim and witnesses to the bullying; (d) research
23 findings on bullying, including information about specific categories of
24 students who have been shown to be particularly at risk for bullying in the
25 school environment; (e) information on the incidence and nature of
26 cyberbullying; and (f) internet safety issues related to cyberbullying. The
27 board may identify and offer information on alternative methods for
28 fulfilling the professional development requirements of this section.

29 New Sec. 6. Each school operated by a school district shall present, in
30 age-appropriate language, the school district's bullying policy as part of
31 any orientation program conducted for students at the beginning of each
32 academic term. Such presentation shall include instruction on: How to
33 prevent bullying; the process for making a report; the process of
34 investigating reports; and the potential consequences that may result from
35 an investigation.

36 New Sec. 7. (a) In order to assist school districts in developing
37 policies for the prevention of bullying, the state board of education shall
38 develop and maintain a model policy that is applicable to grades
39 kindergarten and one through 12, and that contains definitions of bullying
40 that are consistent with K.S.A. 72-6147, and amendments thereto.

41 (b) The state board shall develop appropriate procedures for:

42 (1) Investigating violations of sections 1 through 8, and amendments
43 thereto;

1 (2) the reporting of and responding to failures in adopting and
2 implementing bullying policies and procedures;

3 (3) the reporting of incidents of bullying by school districts; and

4 (4) publication of statewide statistics concerning bullying.

5 (c) The state board shall adopt rules and regulations necessary to
6 implement the provisions of K.S.A. 72-6147, and amendments thereto, and
7 sections 1 through 8, and amendments thereto.

8 New Sec. 8. Nothing in K.S.A. 72-6147, and amendments thereto,
9 and sections 1 through 7, and amendments thereto, shall be construed to
10 limit or supersede, or in any manner affect or diminish the requirements of
11 compliance by a staff member with the provisions of K.S.A. 38-2223 or
12 38-2226, and amendments thereto.

13 Sec. 9. K.S.A. 72-6147 is hereby amended to read as follows: 72-
14 6147. ~~(a)~~As used in this section *and sections 1 through 8, and*
15 *amendments thereto*:

16 ~~(+)~~(a) "Bullying" means:

17 ~~(A)~~(1) Any intentional gesture or any intentional written, verbal,
18 electronic or physical act or threat either by any student, staff member or
19 parent towards a student or by any student, staff member or parent towards
20 a staff member that is sufficiently severe, persistent or pervasive that such
21 gesture, act or threat creates an intimidating, threatening or abusive
22 educational environment that a reasonable person, under the
23 circumstances, knows or should know will have the effect of:

24 ~~(+)~~(A) Harming a student or staff member, whether physically or
25 mentally;

26 ~~(+)~~(B) damaging a student's or staff member's property;

27 ~~(+)~~(C) placing a student or staff member in reasonable fear of harm
28 to the student or staff member; or

29 ~~(+)~~(D) placing a student or staff member in reasonable fear of
30 damage to the student's or staff member's property;

31 ~~(B)~~(2) cyberbullying; or

32 ~~(C)~~(3) any other form of intimidation or harassment prohibited by the
33 board of education of the school district in policies concerning bullying
34 adopted pursuant to this section or ~~subsection (e)~~ of K.S.A. 72-1138(e),
35 and amendments thereto.

36 ~~(2)~~(b) "Cyberbullying" means bullying by use of any electronic
37 communication device through means including, but not limited to, e-mail,
38 instant messaging, text messages, blogs, mobile phones, pagers, online
39 games and websites.

40 ~~(3)~~(c) "Parent" includes a guardian, custodian or other person with
41 authority to act on behalf of the child.

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

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

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

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

11 ~~(c)~~ The board of education of each school district shall adopt and
12 implement a plan to address bullying either by any student, staff member
13 or parent towards a student or by a student, staff member or parent towards
14 a staff member on school property, in a school vehicle or at a school-
15 sponsored activity or event. Such plan shall include provisions for the
16 training and education for 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 (c) of K.S.A.
19 72-1138, and amendments thereto.

20 ~~(e)~~ Nothing in this section shall be construed to limit or supersede or
21 in any manner affect or diminish the requirements of compliance by a staff
22 member with the provisions of K.S.A. 38-2223 or 38-2226, and
23 amendments thereto.

24 Sec. 10. K.S.A. 72-6147 is hereby repealed.

25 Sec. 11. This act shall take effect and be in force from and after its
26 publication in the statute book.