

HOUSE BILL No. 2142

By Committee on Education

Requested by Representative Estes

1-29

1 AN ACT concerning school districts; relating to bullying; requiring
2 adoption of an independent review process as part of the district's
3 policies prohibiting and preventing bullying; amending K.S.A. 72-6147
4 and repealing the existing section.
5

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

7 New Section 1. (a) Any person who makes a report alleging bullying
8 may request that the school district conduct an independent review if such
9 person:

10 (1) Believes that the school administrator did not correctly analyze
11 the complaint and failed to conduct an investigation of the incident,
12 because the school administrator believed the alleged conduct did not
13 constitute bullying;

14 (2) is dissatisfied with the final determination of the school
15 administrator following an investigation; or

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

19 (b) Any such request shall be made in writing to the superintendent of
20 the school district. Upon receipt of such request, the superintendent shall
21 promptly notify the board of education of the district of such request. The
22 board of education may conduct its own review or direct the initiation of
23 an independent review.

24 (c) Upon direction by the board of education or, after completion of
25 such board's review, upon renewal of such request by the person who
26 originally requested an independent review, the superintendent shall
27 promptly initiate an independent review by a neutral person, and the
28 school administrator who received the initial report and any other staff
29 members shall cooperate with the independent review such that the review
30 may proceed expeditiously. The independent review shall consist of an
31 interview of the person who made the initial report and any relevant staff
32 members and a review of the written materials from the school
33 administrator's investigation.

34 Sec. 2. K.S.A. 72-6147 is hereby amended to read as follows: 72-
35 6147. (a) As used in this section *and section 1, and amendments thereto:*

1 (1) "Bullying" means:

2 (A) Any intentional gesture or any intentional written, verbal,
3 electronic or physical act or threat either by any student, staff member or
4 parent towards a student or by any student, staff member or parent towards
5 a staff member that is sufficiently severe, persistent or pervasive that such
6 gesture, act or threat creates an intimidating, threatening or abusive
7 educational environment that a reasonable person, under the
8 circumstances, knows or should know will have the effect of:

9 (i) Harming a student or staff member, whether physically or
10 mentally;

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

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

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

16 (B) cyberbullying; or

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

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

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

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

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

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

33 (b) The board of education of each school district shall adopt a policy
34 to prohibit bullying either by any student, staff member or parent towards
35 a student or by a student, staff member or parent towards a staff member
36 on or while utilizing school property, in a school vehicle or at a school-
37 sponsored activity or event. *Such policy shall include procedures for an*
38 *independent review of school administrator determinations in accordance*
39 *with section 1, and amendments thereto.*

40 (c) The board of education of each school district shall adopt and
41 implement a plan to address bullying either by any student, staff member
42 or parent towards a student or by a student, staff member or parent towards
43 a staff member on school property, in a school vehicle or at a school-

1 sponsored activity or event. Such plan shall include provisions for the
2 training and education for staff members and students.

3 (d) The board of education of each school district may adopt
4 additional policies relating to bullying pursuant to ~~subsection (e)~~ of K.S.A.
5 72-1138(e), and amendments thereto.

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

10 Sec. 3. K.S.A. 72-6147 is hereby repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the statute book.