



Oral opponent testimony on

HB 2330 Policies and procedures to prohibit and investigate bullying

in

House Committee on Education by

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Mr. Chairman and Members of the Committee:

Thank you for this opportunity to testify in opposition of **HB 2330**, Policies and procedures to prohibit and investigate bullying.

In spite of school districts' — and the legislature's — best efforts to prevent bullying behavior and protect victims, it's clear that many parents, students and community members feel not enough is being done. If bullying is to be solved, it will take a concerted, joint effort by parents, the schools and law enforcement.

We understand and support the intention and effort behind this, or any bill proposed to help tackle the issues that bully behavior creates in our schools. That being stated, we wanted to share our concerns with this bill and highlight areas where we feel it creates potential conflicts with current law and procedures:

- 1) Bullying would have to be reported within 24 hours, and the school principal would inform the parents of all students involved within 24 hours of receiving a report. On page 2, there are conflicting deadlines in (5)(A) and (5)(C) on when the report must be made. Our preference would be (c).
- 2) Subsection (E) on page 3 creates a problem. It says that the parent or student may make a request for a hearing before the board of education after receiving the investigation report and provides that the hearing will be held within 10 days of receipt of the request, where the board will listen to the parents, students involved, investigator, etc. in order for the board to consider whether to affirm, reject, or modify the decision of the superintendent or the superintendent's designee. Having a group hearing like this would potentially violate student privacy rights.
- 3) At the next board of education meeting following the board's receipt of the investigation report, the board would have to issue a decision in writing to affirm, reject, or modify the decision of the superintendent, and this decision could be appealed to the commissioner of education.

This is problematic because the current Suspension and Expulsion law in K.S.A. 72-6114 et seq. has different appeal procedures and deadlines. Technically that law would not allow adjustment of suspensions and expulsions already given unless done in the manner described by that law.

4) Section 3 (c) (bottom of page 6) says that disciplinary action can be carried over into the next school year or subsequent years if deemed reasonably appropriate or necessary. Note that expulsions can be for no longer than 186 days by law.

5) The definition of cyberbullying is changed to make it clear acts happening outside of school and school activities are covered. This is problematic, as caselaw has shown that we have no authority to discipline kids when there is no nexus to the educational setting, activities, or use of our property or equipment.

In addition; time spent trolling the internet for conflicts between students in the off hours and unrelated to school is something that will detract from the educational mission of the staff and would absorb a great deal of human and monetary resources.

6) Harassment is defined in this bill. This could be confusing because we also have separate policies for defining sexual, racial, and disability harassment due to federal law.

7) Volunteers and independent contractors would be included in the school district personnel definition. This would mean they would be required to report, and this would complicate things, as we have very little control or oversight in many ways for these persons.

Sadly, in the years since the 2007 enactment of existing school bully-prevention law, forces at work in our overall society have made bullying increasingly difficult for schools to fight alone. We see bullying at every level of society, from youth sports to reality TV to the coarsening of discourse in local, state and national politics.

We must all do better to address the scourge of bullying and that's why we appear in qualified support of the bill today. We would like to work with the bill sponsors, the committee, the legislature and the State Board of Education to craft a response that will protect students from bullying while respecting local board control and the constitutional role of the State Board of Education.

We suggest the legislature use this and other bills on the topic of bullying behavior as an opportunity to begin a conversation about how adults in Kansas can work together to better serve our children. While schools have an important role to play, they cannot unilaterally solve bullying. Parents, community members and local, state and national officials must work together to model mutual respect, responsibility and maturity. KASB stands ready to assist in that effort.

Thank you, and I will be happy to answer questions at the appropriate time.