

Approved: February 21, 2008

Date

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND TECHNOLOGY COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:38 P.M. on February 20, 2008, in Room 526-S of the Capitol.

All members were present except Representatives Kelley, Tafanelli, Wilk, Frownfelter, Holland, and Mah, all of whom were excused.

Committee staff present:

Mary Galligan, Kansas Legislative Research Department  
Jennifer Thierer, Kansas Legislative Research Department  
Renae Jefferies, Office of Revisor of Statutes  
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Tom Burroughs  
Mark Tallman, Assistant Executive Director, Kansas Association of School Boards  
Bill Reardon, Kansas City Kansas Public Schools

Others attending:

See attached list.

The Chair opened the hearing on **HB 2758** - cyber-bullying prohibited - and welcomed Representative Tom Burroughs, who spoke as a proponent (Attachment 1). He said the bill will amend the school bullying statutes to include intimidation by electronic means. He noted that the bill applies only to school activities and school property and does not reference criminal behavior or criminal statutes.

Members discussed the process for finding the identity of an alleged bully, questioning whether or not a school district could obtain information from an ISP (Internet Service Provider). Representative Trimmer commented that a school district has authority to monitor its own network, but would not have authority outside the network.

Mark Tallman, Assistant Executive Director, Kansas Association of School Boards, testified as a proponent (Attachment 2). He said the bullying issue was put in statute from last year's legislative session, and the addition of electronic intimidation will augment the law. He commented that the bill and the statutes deal only with school-related activities and that intimidation done on a private computer sent from home to another private computer would be difficult to address without encountering First Amendment issues. Responding to questions, Mr. Tallman said that if intimidation falls under criminal conduct, it can be reported to law enforcement authorities; however, he said personal activities on private computers or phones will be difficult to regulate. He responded that if a school issues laptops to all students, then any intimidating activity on those laptops would fall under the jurisdiction of the bill.

Bill Reardon, Kansas City Kansas Public Schools, said that his district provides laptops for all students, and he would be more comfortable with the bill if wording included school equipment.

CONTINUATION SHEET

MINUTES OF THE House Government Efficiency and Technology Committee at 3:38 P.M. on February 20, 2008, in Room 526-S of the Capitol.

Written testimony supporting the bill was provided by Terry Forsyth, Kansas National Education Association (Attachment 3).

The Chair closed the hearing on **HB 2758**.

A motion was made and seconded to add after line 42, page 1, after the word “on,” the words *or while utilizing* so that the line reads “to prohibit bullying on or while utilizing school property, in a school vehicle or. . .” (Motion, Representative Sloan; second, Representative King) The motion passed.

Representative Ruiz made a motion, seconded by Representative McLachlan, to recommend the bill be passed favorably as amended. The motion passed unanimously.

The meeting was adjourned at 4:09 p.m. The next meeting is scheduled for Thursday, February 21, 2008.



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## TESTIMONY FOR CYBER BILL

Chairman Morrison and Distinguished Committee Members

Thank you for the opportunity to appear before you this afternoon to testify on a public safety issue I believe we all can support. In the last few years we have worked collectively to ensure our children are free of a threatening environment brought on by others known as Bullying.

Through education, reporting and enforcement we have been successful in bringing attention to this issue and to those who choose to intimidate, humiliate and torment. However, I submit to you we can do more! The recent tragic death of Dakota DeRemus begs us to do more.

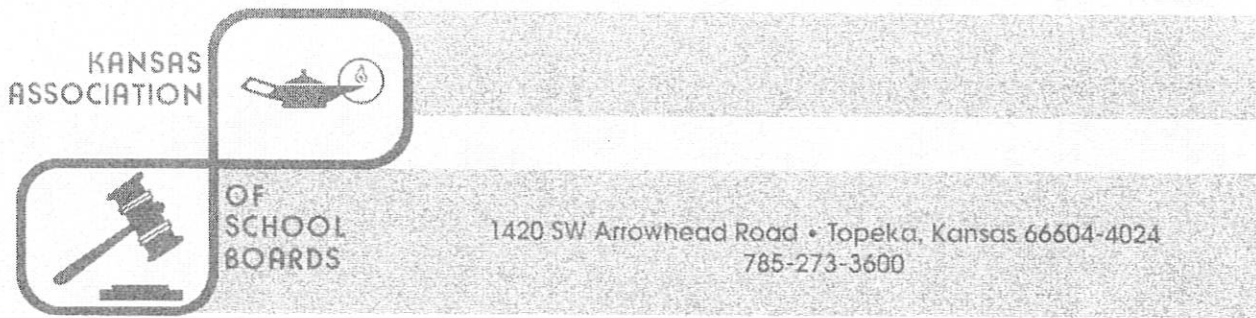
With the proliferation of electronic devices coupled with today's tech-savvy youth these devices have increasingly become another way for bullies to perpetuate their victimization of others.

This bill adds the definition of cyberbullying to our present statutes in dealing with bullying in schools.

**“Cyberbullying” means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.**

On behalf of the tormented, harassed, ridiculed and intimidated I ask for the committees support and to pass HB 2758 favorably.

*Attachment 1*  
4687 2-20-08



Testimony before the  
**House Committee on Governmental Efficiency and Technology**

on  
**HB 2758 - Cyberbullying**

by

**Mark Tallman, Assistant Executive Director/Advocacy**  
Kansas Association of School Boards

**February 20, 2008**

Mr. Chair, Members of the Committee:

Thank you for the opportunity to comment on **HB 2758**, which amends the law passed last year to require that school districts include cyberbullying in their policies addressing bullying. That law requires district policies to prohibit bullying on school property, in a school vehicle or at a school-sponsored activity or event.

Since the enactment of this law last year, KASB has held three seminars to help school districts develop policies and programs to address bullying, has developed model policies for districts and provided legal advice. Our attorneys believe cyberbullying can be addressed under current district authority, but adding this term to the law and school district policies can help strengthen awareness by students and staff.

It should be noted that this bill only addresses bullying or cyberbullying at school or in a school vehicle or at a school-sponsored event. School districts have clear authority to discipline students for inappropriate activity at school. However, our experience is that most cyberbullying takes place away from school; for example, when students use their own personal computers, cell phones and other devices. The committee should be aware that school districts have much more limited authority to regulate speech away from school. To comply with standards set by the U.S. Supreme Court, school must show that there is risk of "substantial disruption" to the educational process and a connection or nexus to the school.

It should also be noted that investigating and attempting to discipline students for cyberbullying can be a time-consuming process that requires technological and legal assistance. Remember, these costs are "outside the classroom." In some cases, bullying and, in particular, cyberbullying may require the assistance and involvement of law enforcement.

Thank you for your consideration.

*Attachment 2  
HGET 2-20-08*

**Terry Forsyth, Written Testimony  
House Government Efficiency and Technology Committee  
February 20, 2008**

**House Bill 2785**

Mr. Chairman, members of the committee, thank you for the opportunity to share our thoughts on **House Bill 2758**.

This bill is a well intentioned response to the significant problem of bullying experienced by many of our students today.

We understand the significance of the problem of bullying. We have worked on efforts to counter that problem.

Our Association has developed programs that are used in many places in Kansas and across the United States to counter this negative behavior. Our program – developed in a joint project of the NEA Women and Girls Center for Change and the Wellesley College Center for Research on Women – is divided into three sections. Bullyproof is for students in the primary grades, Quit It! is for intermediate students and Flirting or Hurting is for middle school and high school students. The three programs work together moving from teasing to bullying to sexual harassment as they address issues appropriate to the age of the students.

KNEA offers a professional development training program for this series and we have a cadre of trained professionals who can deliver the training to faculties anywhere in Kansas at no cost. If a school likes what they see, they can purchase the teachers guides for a steeply discounted price through KNEA.

Recently our legal department created a program regarding cyber-bullying. This area is rarely addressed in current programs but is important in addressing student to student bullying.

We applaud the intent to include this growing problem under the current statute.

*Attachment 3  
HGET 2-20-08*