

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 6, 2008, in Room 123-S of the Capitol.

Committee members absent: Carolyn McGinn—excused

Committee staff present: Sharon Wenger, Kansas Legislative Research Department  
Carol Toland, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Matt Todd, Revisor of Statutes Office  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Representative Tom Burroughs  
Kathy Cook, Kansas Families for Education  
Thomas Witt, Kansas Equality Coalition  
Tom Krebs, Kansas Association of School Boards

**HB 2758 – Schools; cyberbullying prohibited**

Matt Todd, Revisor of Statutes Office, explained that **HB 2758** amends the statute that requires school districts to prohibit bullying on school property, in school vehicles, and at school events. The bill would require districts to extend their policies to prohibit cyberbullying. The bill also adds “electronic acts” to the first part of the definition of bullying on page 1, line 18, and “cyberbullying” is inserted on page 1, line 30, to specify that cyberbullying is included in the definition of bullying. Lines 35 through 38 define cyberbullying and provide some examples of electronic communication devices. Mr. Todd explained further that the House Committee on Government Efficiency and Technology amended the bill on page one, line 43, by adding language to prohibit bullying with the use of school property.

Representative Tom Burroughs testified in support of **HB 2758**. He noted that electronic devices have increasingly become another way for today’s youth to perpetuate victimization of others. The media recently reported that a Missouri teenager took her life due to the psychological effects of bullying and misrepresentation of her character on the Internet, and there have been a number of other reported cases nationwide wherein electronic devices were utilized in school and out of school to torment, harass, and intimidate. On behalf of the tormented, harassed, and ridiculed, he asked that the Committee support the bill. (Attachment 1)

Kathy Cook, Kansas Families for Education, testified in support of **HB 2758**. She informed the Committee that a national, nonprofit anti-crime organization (Fight Crime: Invest in Kids) conducted a poll on cyberbullying in 2006. The results of the poll indicated that 45 percent of preteens and 30 percent of teens that were bullied were cyberbullied at school. She said cyberbullying is not going to go away; therefore, adults must take every precaution possible to protect all Kansas students. (Attachment 2)

Thomas Witt, Kansas Equality Coalition, testified in support of **HB 2758**. He observed that, in the past, children who were victimized at school could go home at the end of the school day, leaving that harassment behind them and finding safety and peace in the privacy of their homes. However, the generation now in school is “wired in” through e-mail, web sites, text messaging, and more. Unlike adults, children do not know how to set the boundaries they need in order to escape the problems arising due to the “always connected” world. Now, we read news reports about tragedies linked to bullying and cyberbullying. In conclusion, Mr. Witt discussed recent studies which have shown that our new electronic age of constant, instant communications gives school children no safety, no escape, and no refuge from attack. He said amending the current statute to include cyberbullying was the right thing to do for today’s children. (Attachment 3)

Senator Schodorf called the Committee’s attention to written testimony in support of **HB 2758** submitted by Terry Forsyth, Kansas National Education Association. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 6, 2008, in Room 123-S of the Capitol.

Tom Krebs, Kansas Association of Schools, testified in support of **HB 2758**. He noted that the bill amends a law passed last year which requires school 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, KASB has held three seminars to help school districts develop policies and programs to address bullying and also has provided legal advice. KASB believes that adding cyberbullying to the law and to school district policies will help strengthen awareness by students and staff. However, he felt that the Committee should be aware that school districts have much more limited authority to regulate speech away from school, and attempting to discipline students for cyberbullying could be a time-consuming process that requires technological and legal assistance. (Attachment 5)

There being no others wishing to testify, the hearing on **HB 2758** was closed.

Senator Schodorf called the Committee's attention to the minutes of the March 5 meeting.

Senator Teichman moved to approve the minutes of the March 5 meeting, seconded by Senator Lee. The motion carried.

The meeting was adjourned at 2:05 p.m.

The next meeting is scheduled for March 10, 2008.



**TOM BURROUGHS**  
REPRESENTATIVE, THIRTY-THIRD DISTRICT  
WYANDOTTE COUNTY  
3131 S. 73RD TERRACE  
KANSAS CITY, KANSAS 66106  
(913) 375-1956

STATE CAPITOL—RM. 322-S  
TOPEKA, KANSAS 66612  
(785) 296-7688  
(1-800) 432-3924  
burroughs@house.state.ks.us



TOPEKA

HOUSE OF  
REPRESENTATIVES

TESTIMONY FOR CYBER BILL

COMMITTEE ASSIGNMENTS  
**MEMBER:** APPROPRIATIONS  
GENERAL GOVERNMENT BUDGET  
INSURANCE AND FINANCIAL INSTITUTIONS  
**BOARD OF DIRECTORS:** KANSAS INC.  
**MEMBER:** LEGISLATIVE POST AUDIT  
KANSAS ATHLETIC COMMISSION

Chairperson 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!!

With the increase in electronic devices.

The recent tragic death of Dakota DeRemus and that of a 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 school.

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

*Senate Education Committee  
3-6-08  
Attachment 1*

# Kansas Families for Education

*Demanding Excellent Public Schools for All*

## Testimony HB2758

Senate Education Committee - March 6, 2008

Kathy Cook, Executive Director -Kansas Families for Education

Madam Chair and members of the committee, thank you for the opportunity to address you this afternoon. I am Kathy Cook, Executive Director for Kansas Families for Education and I appear today to support this legislation. We are a statewide organization made up of educators, parents, taxpayers, students, and other Kansans committed to equity and excellence in our public schools, for all Kansas students. We believe that the ability for students to feel safe is a foundation of excellent schools.

First, we want to thank the Kansas Legislature for the anti-bullying legislation that was passed last year. I think we can all agree that it was a first step to combat bullying in Kansas schools. We are here today to support the addition of cyber-bullying to the existing law. The 21<sup>st</sup> century brings a great deal of technology to our schools and our homes that, when used properly, are wonderful devices for education, communication, and entertainment purposes. However, there are times that this same technology can and does inflict harm on our students, and we as adults must address those situations and implement policy that strives to protect each and every child.

Cyber-bullying is as dangerous if not more than the typical type of bullying that most of were familiar with during our teen years. Cyber bullying is initiated by a minor against another minor. If adults are involved it is cyber-harassment or cyber-stalking. We protect adults from this type of behavior and we should do everything in our power to protect our children from the same.

Cyber-bullying has resulted in children physically harming one another, killing one another and committing suicide. The best prevention of these devastating outcomes is education. Schools must have a program in place to educate our students.

*Fight Crime: Invest in Kids* is a national, bipartisan, nonprofit anti-crime organization of more than 3,000 police chiefs, sheriffs, prosecutors, other law enforcement leaders which conducted a poll in 2006 with regard to cyber-bullying. The results indicated that of the students who were bullied, 45% of preteens and 30% of teens were cyber-bullied at school. Cyber-bullying is on the rise and is growing at alarming rates. Twice as many kids were cyber-bullied in 2005 as were in 2000. (Wolak, Mitchell, & Finkelhor, 2006)

The problem of cyber-bullying is not going to go quietly into the night, so we as adults must take every precaution and action that we can to protect ALL Kansas students.

We ask that members of this committee take the lead against cyber bullies and vote YES on HB2758.

Thank you.

Senate Education Committee



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans

**State Office**

6505 E. Central PMB 219  
Wichita, Kansas 67206  
(316) 260-4863  
fax (316) 858-7196

www.KansasEqualityCoalition.org

**Chapters**

**Johnson County**

11944 W. 95th St., Suite 200  
Lenexa, KS 66215  
(913) 897-5525

**Lawrence/Douglas County**

PO Box 1225  
Lawrence, KS 66044  
(785) 842-2264

**North Central Kansas**

PO Box 3020  
Salina, KS 67402-3020  
(785) 825-7847

**Riley/Geary Counties**

PO Box 1512  
Manhattan, KS 66505  
(785) 587-8890

**Southeast Kansas**

PO Box 1194  
Pittsburg, KS 66762  
(620) 704-7588

**Southwest Kansas**

PO Box 1432  
Dodge City, KS 67801  
(620) 635-5213

**Topeka**

PO Box 4214  
Topeka, KS 66604  
(785) 234-5932

**Wichita/Sedgwick County**

6505 E. Central PMB 219  
Wichita, Kansas 67206  
(316) 260-4863  
fax (316) 858-7196

**Testimony in support of HB758  
Thomas Witt, Chair, Kansas Equality Coalition  
Senate Education Committee, March 6, 2008**

Good afternoon, Chairman Schodorf and members of the committee.

I'm grateful for the opportunity to address you today. My name is Thomas Witt, state chair of the Kansas Equality Coalition. Our organization's eight chapters and nearly 1000 members work for equal rights and fair treatment for gay and lesbian Kansans.

The Equality Coalition strongly supports legislative action to stop bullying in our public schools. Bullying, intimidation, and harassment by students is always damaging to the victims, and is particularly dangerous to gay and lesbian teens, and to heterosexual teens who are perceived to be gay or lesbian.

We strongly supported last year's anti-bullying legislation, and we stand in support of HB2758, which is intended to address "cyberbullying," or harassment via email, text messages, websites, and other forms of electronic communications.

It used to be that when children went home at the end of the school day, they went home to a neighborhood environment of friends, family, community activities and homework. Students who were being targeted and victimized at school could leave that behind for a few hours every evening, and find safety and peace in the privacy of their own homes.

Not anymore. As busy adults, we all know what it's like to have our Blackberries and PDAs buzzing at all hours of the day and night. Each of you is inundated with email on a daily basis. Many of you have experience with your detractors posting horrible things about you, your families, and your values on blogs and websites.

For our kids, it's all that and more. The generation now in school is "wired in" in every way possible, through email, websites, "social networking" sites like Myspace and Facebook, text messaging, instant messaging, chat rooms, and more. Just like we adults feel like we don't have time off, our kids don't, either. What's worse for our children is they haven't learned how to set the kinds of boundaries they need to survive in the "always connected" world.

My own daughter, who is now in college, is in that age group and grew up at the same time these communications avenues were exploding into society. Our family was among the early ones to learn that this connectedness has brought new problems to our children.

Now we read news reports about tragedies linked to bullying and to cyberbullying. Megan Meier, the Missouri girl who committed suicide in 2006, is not an isolated incident; I've attached an article about a Toronto teen who committed suicide after he was "outed" as being gay, and subsequently harassed and bullied beyond his breaking point.

A 2006 study published in the journal *Youth Violence and Juvenile Justice*, "Bullies Move Beyond the Schoolyard, A Preliminary Look at Cyberbullying" by Dr. Justin W. Patchin of the University of Wisconsin-Eau Claire and Dr. Sameer Hinduja of Florida Atlantic University found:

*Senate Education Committee  
3-6-08  
Attachment 3*

- 34% of respondents say they have been bullied online
- 13% were threatened
- 5% were scared for their safety
- 17% have bullied others online
- 56% were bullied in a chatroom
- 49% were bullied using computer text message
- 28% were bullied by email
- 34% felt frustrated
- 30% felt angry
- 22% felt sad
- 24% of victims were negatively affected at home
- 18% of victims were negatively affected at school
- Over 42% of victims did not tell anyone about the incident
- Only 11% of those who were bullied told a parent
- Online bullying seems to be linked to offline, traditional bullying

That last bullet point – that cyberbullying seems to be linked to “traditional” bullying, is central to the bill before you today. The worst of the bullying tragedies happen to kids who have been singled out and targeted by their peers for the worst kinds of abuse. Our new electronic age of constant, instant communications gives kids no safety, no escape, and no refuge from attack. Amending the current statute to include “cyberbullying” is the right thing to do for our kids.

Respectfully,

Thomas Witt, Chair  
Kansas Equality Coalition

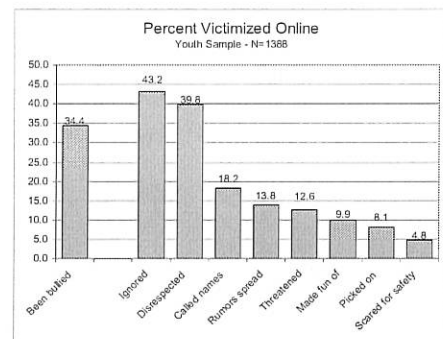
# RESEARCH SUMMARY

## Cyberbullying Victimization

Sameer Hinduja, PhD (Florida Atlantic University) and Justin W. Patchin, PhD (University of Wisconsin-Eau Claire) recently completed an online survey of approximately 1,500 Internet-using adolescents. This research summary outlines some of the preliminary findings from this research. More comprehensive analyses are forthcoming in several manuscripts that are currently under review with academic journals. Click on each graph to display a larger image.

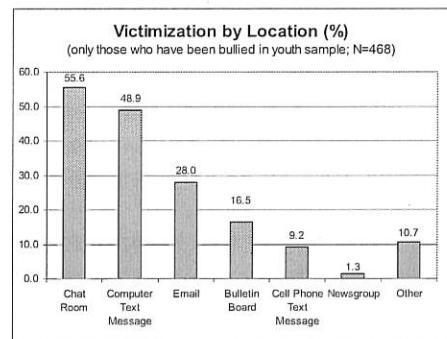
### Cyberbullying victimization

- 34.4% of respondents reported that they had experienced cyberbullying
- 12.6% of respondents reported that they had been threatened physically and almost 5% reported that they were scared for their safety



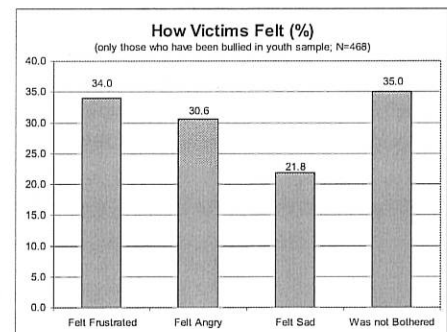
### Cyberbullying victimization locations

- The majority of cyberbullying experiences occur in chat rooms (55.6%) or using computer text messages (48.9%)
- 28% of respondents who were victims of cyberbullying report being bullied via email



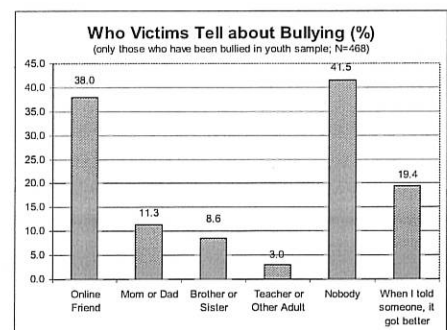
### How victims of cyberbullying felt

- 34% of cyberbullying victims felt frustrated, over 30% felt angry, and approximately 22% felt sad
- 35% of cyberbullying victims were not bothered by the experience



### Who victims tell about the experience

- Over 40% of cyberbullying victims do not tell anyone about the experience
- Only 14.3% of youths told their parent(s), teacher, or another adult





# CYBERBULLYING

## Fact Sheet

By Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D.

### What is cyberbullying?

A new permutation of bullying has recently arisen and become common: tech-savvy students are turning to cyberspace to harass their peers. In short, cyberbullying is *willful and repeated harm inflicted through the medium of electronic text*. Traditional bullying is commonly associated with "malicious intent," "violence," "repetition," and a perceived or actual "power differential" and are similarly appropriate when attempting to define this new variation.

To be sure, cyberbullies are malicious aggressors who seek implicit or explicit pleasure or profit through the mistreatment of another individual. Violence is often associated with aggression, and corresponds to actions intended to inflict injury (of any type). One instance of mistreatment, while potentially destructive, cannot accurately be equated to bullying, and so cyberbullying must also involve harmful behavior of a repetitive nature.

**Cyberbullying is willful and repeated harm inflicted through the medium of electronic text.**

Moreover, due to the very nature of the behavior, cyberbullies have some perceived or actual power over their victims. While "power" in traditional bullying might be physical (stature) or social (competency or popularity), online power may simply stem from proficiency. That is, youth who are able to navigate the electronic world and utilize technology in a way that allows them to harass others are in a position of power relative to a victim.

There are two major electronic devices that young bullies can employ to harass their victims from afar. First, using a personal computer a bully can send harassing emails or instant messages, post obscene, insulting, and slanderous messages to online bulletin boards, or develop web sites to promote and disseminate defamatory content. Second, harassing text messages can be sent to the victim via cellular phones.

### Issues to consider

First, electronic bullies can remain "virtually" anonymous. Temporary email accounts and

pseudonyms in chat rooms, instant messaging programs, and other Internet venues can make it very difficult for adolescents to determine the identity of aggressors. Individuals can hide behind some measure of anonymity when using their personal computer or cellular phone to bully another individual, which perhaps frees them from normative and social constraints on their behavior.

Further, it seems that bullies might be emboldened when using electronic means to effectuate their antagonistic agenda because it takes less energy and fortitude to express hurtful comments using a keyboard or keypad than with one's voice.

Additionally, supervision is lacking in cyberspace. While chat hosts regularly observe the dialog in some chat rooms in an effort to police conversations and evict offensive individuals, personal messages sent between users are viewable only by the sender and the recipient, and therefore outside their regulatory reach. Furthermore, there are no individuals to monitor or censor offensive content in electronic mail or text messages sent via computer or cellular phone.

Another contributive element is the increasingly common presence of computers in the private environments of adolescent bedrooms. Indeed, teenagers often know more about computers and cellular phones than their parents and are therefore able to operate the technologies without worry or concern that a probing parent will discover their participation in bullying (or even their victimization).

#### 14 year-old girl from New Jersey:

**"Being bullied besides over the internet is worse. It's torment and hurts. They say 'sticks and stones may break my bones, but words will never hurt me.' That quote is a lie and I don't believe in it. Sticks and stones may cause nasty cuts and scars, but those cuts and scars will heal. Insultive words hurt and sometimes take forever to heal."**

In a similar vein, the inseparability of a cellular phone from its owner makes that person a perpetual target for victimization. Users often need to keep it turned on for legitimate uses, which provides the opportunity for those with malicious intentions to send threatening and insulting statements via the cellular phone's text messaging capabilities. There may truly be "no rest for the weary" as cyberbullying penetrates the walls of a

home, traditionally a place where victims could seek refuge.

Finally, electronic devices allow individuals to contact others (both for prosocial and antisocial purposes) at all times and in almost all places. The fact that most adolescents connect to the Internet from home indicates that online bullying can be an invasive phenomenon that can hound a person even when not at or around school.

**14 year-old girl from Illinois:**

**"I still cry when I think of what she said. After awhile you start believing all of the things people tell you that aren't true. When I look in the mirror I wonder if I'm fat (I'm not) after what my ex-friend said."**

Relatedly, the coordination of a bullying attack can occur with more ease because it is not constrained by the physical location of the bullies or victims. A veritable onslaught of mistreatment can quickly and effectively torment a victim through the use of these communications and connectivity tools.

### **Nature and extent of cyberbullying**

In the Spring of 2005, we conducted a survey of approximately 1,500 Internet-using adolescents who reported their experiences with cyberbullying. Almost 80% of respondents reported that cyberbullying occurs online, while 32% of males and 36% of females reported experiencing cyberbullying. Specifically, almost 40% were disrespected, over 12% were threatened, and about 5% were scared for their safety. Negative emotional responses included significant amounts of frustration, anger, and sadness.

**A significant number of males (32 percent) and females (36 percent) reported experiencing cyberbullying.**

Most commonly, respondents reported that they were bullied in chat rooms (56%) and through computer text messages (49%). Twenty-eight percent of youth indicated that they had been bullied via email. Interestingly, over 40% of youths who were cyberbullied did not tell anyone about the incident. The study also found that cyberbullying crosses gender and racial lines, and appears to be

associated with other, more traditional adolescent problem behaviors, including schoolyard bullying.

### **What can be done?**

It is hoped that this harmful phenomenon can be curtailed by proactively addressing the potentially negative uses of technology. Parents must regularly monitor the online activities in which their children are engaged. They must also encourage an open dialog with their children regarding issues of safety and responsible Internet use. Teachers, too, must take care to supervise students as they use computers in the classrooms and should consider incorporating discussions of issues related to cybersafety in their curriculum when appropriate. "Hands-on" activities and role-playing exercises may be particularly useful for introducing this topic to youth. School liaison officers and law enforcement officials must investigate all instances of harassment – including electronic bullying – and hold responsible parties accountable.

In short, community members and leaders must develop an awareness and appreciation of cyberbullying, and must equip themselves with the knowledge and tools to competently respond to this problem before significant victimization occurs. Familiarization with the following will be useful in this regard:

- "netiquette" and culturally-acceptable rules of participation in online interaction
- the psychological, emotional, and behavioral reasons why cyberbullying occurs
- pertinent terms, abbreviations, and online lingo
- de-escalation and conflict resolution strategies
- online communication skills to cope with textual harassment and mistreatment
- digital evidence preservation

### **Conclusion**

Victimization on the Internet through cyberbullying is increasing in frequency and scope. This negative experience not only undermines a youth's freedom to use and explore valuable online resources, but also can result in severe functional, psychological, and emotional ramifications. It is hoped that this Fact Sheet will make further headway in society's overall understanding of the etiology and effects of harassment in cyberspace.

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Sameer Hinduja, Ph.D. is an Assistant Professor in the Department of Criminology and Criminal Justice at Florida Atlantic University. Justin W. Patchin, Ph.D. is an Assistant Professor of Criminal Justice in the Department of Political Science at the University of Wisconsin-Eau Claire. Together they lecture across the United States on the causes and consequences of cyberbullying and offer a comprehensive workshop for youth, parents, teachers, counselors, mental health professionals, law enforcement and others concerned with addressing and preventing cyberviolence.

For more information, visit <http://www.cyberbullying.us>

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# News Toronto & GTA

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Thu, November 22, 2007

## Teen bullied to death

### 'Gay' taunts drove him to suicide

By **TOM GODFREY, SUN MEDIA**

A popular Ajax teen who would have turned 14 tomorrow hanged himself at home after being viciously cyber-bullied by classmates about being gay, his stepmom says.

Sandria Gillard, 46, said Shaquille Wisdom was online with a friend being told "not to do it" minutes before he hung himself from the stairs of her Annable Lane home on Oct. 20.

"He was such a polite, well-behaved boy," Gillard said of the Ajax High School Grade 9 student. "I am confused and haven't been able to return to my home or sleep in my bed."

She and her family have been staying with a friend in Scarborough since Shaquille's death because they're too upset to return home.

Gillard said Shaquille's body was found by his sister, Adrienne, 26, who is still traumatized.

"She's still depressed and can't eat properly," she wept yesterday. "I don't know if she will ever be the same again."

News of the death surfaced yesterday during National Bullying Awareness week, established to recognize the dangers kids face physically and on the Internet.

Gillard said Shaquille, who loved school and was a popular student, wanted to be a movie producer. His problems began after he told a trusted friend he was gay.

The friend told others at school and outed Shaquille in June on websites created by students for bullying.

"They began calling him names and sending him ugly e-mails," Gillard said. "He couldn't hide from them and he didn't let others know."

Gillard, who works as a presser for a dry cleaning company and said she is not computer literate, said she didn't find out until the Oct. 27 funeral that Shaquille was being tormented at school.

"Later I was told that a friend was telling him on the computer not to do it (commit suicide)," she sobbed. "I was also told boys were taunting him at school."

She also found out that students had written e-mails, threatening him and making fun of his sexuality.

She said Shaquille was stuffed into a garbage can by students at his school just days before he committed suicide. "I am confused and looking for some answers," Gillard said. "He was right before me on the computer and next thing he's dead."

Ajax High School principal Phil Matsushita said he'd heard rumours from students about the popular student-council member.

"He didn't show any signs of being a victim," Matsushita said yesterday.

# **GLSEN's 2005 National School Climate Survey Sheds New Light on Experiences of Lesbian, Gay, Bisexual and Transgender (LGBT) Students**

**Apr 26, 2006**

**Washington, DC - April 26, 2006** - The Gay, Lesbian and Straight Education Network, or GLSEN, today announced findings from the 2005 National School Climate Survey (NSCS), the only national survey to document the experiences of students who identify as lesbian, gay, bisexual and transgender (LGBT) in America's schools. The survey results were released today at the National Press Club in conjunction with GLSEN's 10th national Day of Silence.

"The 2005 National School Climate Survey reveals that anti-LGBT bullying and harassment remain commonplace in America's schools," said GLSEN Founder and Executive Director Kevin Jennings. "On the positive side, it also makes clear that inclusive policies, supportive school staff and student clubs, like Gay-Straight Alliances, all relate to reduced harassment and higher achieving students."

## **Key Findings of the 2005 National School Climate Survey include:**

### **The Scope of the Problem:**

- 75.4% of students heard derogatory remarks such as "faggot" or "dyke" frequently or often at school, and nearly nine out of ten (89.2%) reported hearing "that's so gay" or "you're so gay" - meaning stupid or worthless- frequently or often.
- Over a third (37.8%) of students experienced physical harassment at school on the basis of sexual orientation and more than a quarter (26.1%) on the basis of their gender expression. Nearly one-fifth (17.6%) of students had been physically assaulted because of their sexual orientation and over a tenth (11.8%) because of their gender expression.

### **Academic Engagement, Aspirations and Achievement:**

- LGBT students were five times more likely to report having skipped school in the last month because of safety concerns than the general population of students.
- LGBT students who experience more frequent physical harassment were more likely to report they did not plan to go to college. Overall, LGBT students were twice as likely as the general population of students to report they were not planning to pursue any post-secondary education.
- The average GPA for LGBT students who were frequently physically harassed was half a grade lower than that of LGBT students experiencing less harassment (2.6 versus 3.1).



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Terry Forsyth, Written Testimony  
Senate Education Committee  
March 6, 2008

House Bill 2785

Madam Chair, 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.

Senate Education Committee

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

Testimony before the  
**Senate Education Committee**

on  
**HB 2758 - Cyberbullying**

by

**Tom Krebs, Governmental Relations Specialist**  
Kansas Association of School Boards

**March 6, 2008**

Madame 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.

*Senate Education Committee  
3-6-08  
Attachment 5*