

January 30, 2012

The Honorable Jean Schodorf, Chairperson  
Senate Committee on Education  
Statehouse, Room 236-E  
Topeka, Kansas 66612

Dear Senator Schodorf:

**SUBJECT:** Fiscal Note for SB 278 by Senate Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning SB 278 is respectfully submitted to your committee.

HB 278 would prohibit bullying, harassment, or cyberbullying of any Kansas public student or employee. Each school district would be required to adopt a policy prohibiting these types of acts on all school property or during a school-sponsored activity. Development of the policies would include representation of parents and guardians, school employees, volunteers, students, administrators, and community representatives.

Any bullying policy adopted would be required to contain the following: (1) a statement prohibiting bullying, harassment, or cyberbullying of a student or employee; (2) definitions of such acts; (3) a description of the type of behavior expected from each student; (4) consequences and appropriate remedial action; (5) a procedure for reporting such acts; (6) procedures for investigation of reports; (7) a list of appropriate responses to incidents of bullying; (8) a statement that prohibits reprisal or retaliation against any person who reports an act of bullying; (9) consequences and appropriate action for persons found to have falsely accused another individual of bullying; (10) a statement of how the policy is to be publicized; (11) a requirement that a link to the policy be prominently posted on the school district's website and distributed annually to parents and guardians who have children enrolled in the district; and (12) a requirement that the name, phone number, address and email address of the person designated by the district to receive reports of bullying be listed on the district's website. The contact information would also appear on the State Department of Education website.

Each school year, in December and June, the superintendent of each district would be required to report to the local board of education all acts of bullying. Each report would include information for each attendance center and the entire district and would be submitted to the State Department of Education within 30 days of the board meeting.

To assist school districts in developing bullying policies, the Commissioner of Education would be required to develop a model policy applicable to grades K-12. The model policy would include an age-appropriate range of consequences to include disciplinary action or counseling as appropriate. The model policy would be required to be issued by September 1, 2012.

On or before November 1, 2012, each school district would be required to revise its policy on bullying and transmit a copy to the State Board of Education. Annually, each district would be required to review and evaluate the policy and make necessary revisions. School districts may receive information from the State Department of Education anti-bullying specialists. Any revised bullying policy must be transmitted to the State Department of Education within 30 days after adoption.

Senate Bill 278 further provides that any student, employee, volunteer, school board member, or contracted service provider who has witnessed or has reliable information that a student or employee has been subjected to bullying would be required to report the incident within 24 hours to the appropriate school official or the school building principal, who would immediately initiate the district's procedures concerning bullying. A school principal or other school official designated to receive bullying reports who receives a report and fails to initiate or conduct an investigation, or who reasonably should have known of an incident of bullying and fails to take sufficient action would be subject to disciplinary action by the school district superintendent of the State Department of Education educator licensure team for possible revocation of his or her license to be a school administrator in Kansas.

Disciplinary action would be taken for all offenses in grades K-12 in accordance with policies adopted by the board of education. The parents of a student who has been bullied would be notified within 24 hours after reporting and shall be offered options to protect their child from further bullying.

The bill would encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice or similar programs. The use of "zero-tolerance policies" to suspend or expel students or employees would be used only as a last resort.

| Estimated State Fiscal Effect |                |                      |                |                      |
|-------------------------------|----------------|----------------------|----------------|----------------------|
|                               | FY 2012<br>SGF | FY 2012<br>All Funds | FY 2013<br>SGF | FY 2013<br>All Funds |
| Revenue                       | --             | --                   | --             | --                   |
| Expenditure                   | --             | --                   | \$170,344      | \$170,344            |
| FTE Pos.                      | --             | --                   | --             | 2.00                 |

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According to the Kansas Department of Education, enactment of SB 278 would require 2.00 FTE Education Program Specialist positions, who would be the agency's antibullying specialists. These 2.00 new FTE positions would require salary and wage expenditures totaling \$154,528, travel expenditures of \$5,000, and other operating expenditures, including rent and office equipment of \$10,816, for a total of \$170,344 in FY 2013, all from the State General Fund. Any fiscal effect associated with SB 278 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Dale Dennis, Education