

February 20, 2013

The Honorable Steve Abrams, Chairperson
Senate Committee on Education
Statehouse, Room 224-E
Topeka, Kansas 66612

Dear Senator Abrams:

SUBJECT: Fiscal Note for SB 105 by Senate Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning SB 105 is respectfully submitted to your committee.

SB 105 would prohibit bullying, harassment or cyberbullying of Kansas public school students or employees. The bill would define bullying as: (1) any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or employee that a reasonable person, under the circumstances, knows or should know will have the effect of: (a) harming a student or employee, whether physically or mentally; (b) damaging a student's or employee's property; (c) placing a student or employee in reasonable fear of harm to the student or employee; (d) placing a student or employee in reasonable fear of damage to the student's or employee's property; (2) cyberbullying; or (3) any other form of intimidation or harassment prohibited by the school district board of education bullying policy.

Each school district would be required to adopt a policy prohibiting such acts on all school property, in a school vehicle, or during a school-sponsored activity. Development of the policy would include representation of parents and guardians, school employees, volunteers, students, administrators, and community representatives.

Bullying policies adopted by school districts would have to include the following: (1) a statement prohibiting bullying, harassment, or cyberbullying of a student or employee; (2) definitions of the prohibited 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/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. A list of appropriate responses to acts of bullying would include counseling, support services, intervention services and other programs recommended by the Commissioner of Education would be included in the policies.

A parent, guardian or school employee may request a hearing before the local board of education following a decision by the superintendent regarding a bullying incident. The hearing would be held within ten days after receipt of written request. The board would consider the information presented and issue a decision, in writing, to affirm, reject or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, no later than 90 days after the issuance of the board's decision.

Each school year, in December and June, the superintendent of each district would report to the board of education on all acts of bullying. These reports must be provided for each attendance center and on a district-wide basis and submitted to the Department of Education within 30 days of the board meeting.

To assist school districts in developing bullying policies, the Commissioner of Education would develop a model policy applicable to grades K-12. The model policy would include an age-appropriate range of consequences which must include, at a minimum, disciplinary action or counseling as appropriate under the circumstances. The model policy would be issued on or before September 1, 2013.

On or before November 1, 2013, each district would be required to revise its policy on bullying and transmit a copy to the State Board of Education. Each district annually would conduct a review and evaluation of such policy and make necessary revisions. School districts may receive information from the State Department of Education anti-bullying specialists. Any revised bullying policy would be required to be transmitted to the State Department of Education within 30 days after adoption.

The bill would provide that 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 their license to be a school administrator in Kansas.

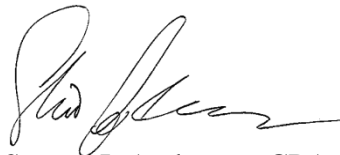
Disciplinary action would be taken for all offenses in grades K-12 in accordance with policies adopted by the board of education. The parents of a student who has been bullied must be notified within 24 hours after reporting and shall be offered options to protect their child from further bullying.

The bill states that it is the intent of the Legislature to 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 should be used only as a last resort.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$257,442	\$257,442
FTE Pos.	--	--	--	3.00

The Department of Education estimates that enactment of SB 105 would require additional expenditures by the agency totaling \$257,442, all from the State General Fund, including 3.00 new FTE Education Program Specialist positions. The estimate includes \$233,718 for salaries and wages, \$7,500 for travel and subsistence expenditures, and \$16,224 for other operating expenditures, including rent and office equipment. The additional positions would be anti-bullying specialists who would develop model policies and provide technical assistance for school districts. Any fiscal effect associated with SB 105 is not reflected in *The FY 2014 Governor’s Budget Report*.

Sincerely,



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

cc: Dale Dennis, Education