

HOUSE BILL No. 2698

By Committee on Education

2-12

1 AN ACT concerning school districts; relating to policies against bullying;
2 amending K.S.A. 2015 Supp. 72-6479 and 72-8256 and repealing the
3 existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 72-6479 is hereby amended to read as
7 follows: 72-6479. (a) In order to accomplish the mission for Kansas
8 education, the state board of education shall design and adopt a school
9 performance accreditation system based upon:

10 (1) Improvement in performance that reflects high academic
11 standards and is measurable; and

12 (2) *compliance with K.S.A. 2015 Supp. 72-8256, and amendments*
13 *thereto.*

14 (b) The state board shall establish curriculum standards which reflect
15 high academic standards for the core academic areas of mathematics,
16 science, reading, writing and social studies. The curriculum standards shall
17 be reviewed at least every seven years. Nothing in this subsection shall be
18 construed in any manner so as to impinge upon any district's authority to
19 determine its own curriculum.

20 (c) The state board shall provide for statewide assessments in the core
21 academic areas of mathematics, science, reading, writing and social
22 studies. The board shall ensure compatibility between the statewide
23 assessments and the curriculum standards established pursuant to
24 subsection (b). Such assessments shall be administered at three grade
25 levels, as determined by the board. The state board shall determine
26 performance levels on the statewide assessments, the achievement of
27 which represents high academic standards in the academic area at the
28 grade level to which the assessment applies. The state board should specify
29 high academic standards both for individual performance and school
30 performance on the assessments.

31 (d) Each school in every district shall establish a school site council
32 composed of the principal and representatives of teachers and other school
33 personnel, parents of pupils attending the school, the business community,
34 and other community groups. School site councils shall be responsible for
35 providing advice and counsel in evaluating state, school district, and
36 school site performance goals and objectives and in determining the

1 methods that should be employed at the school site to meet these goals and
2 objectives. Site councils may make recommendations and proposals to the
3 school board regarding budgetary items and school district matters,
4 including, but not limited to, identifying and implementing the best
5 practices for developing efficient and effective administrative and
6 management functions. Site councils also may help school boards analyze
7 the unique environment of schools, enhance the efficiency and maximize
8 limited resources, including outsourcing arrangements and cooperative
9 opportunities as a means to address limited budgets.

10 (e) Whenever the state board of education determines that a school
11 has failed either to meet the accreditation requirements established by
12 rules and regulations or standards adopted by the state board or provide the
13 curriculum required by state law, the state board shall so notify the school
14 district in which the school is located. Such notice shall specify the
15 accreditation requirements that the school has failed to meet and the
16 curriculum that the school has failed to provide. Upon receipt of such
17 notice, the board of education of such school district is encouraged to
18 reallocate the resources of the school district to remedy all deficiencies
19 identified by the state board. When making such reallocation, the board of
20 education shall take into consideration the resource strategies of highly
21 resource-efficient districts as identified in phase III of the Kansas
22 education resource management study conducted by Standard and Poor's
23 (March 2006).

24 (f) The provisions of this section shall be effective from and after July
25 1, 2015, through June 30, 2017.

26 Sec. 2. K.S.A. 2015 Supp. 72-8256 is hereby amended to read as
27 follows: 72-8256. (a) *Bullying, harassment or cyberbullying of a public
28 school student or employee is prohibited.*

29 (b) *The board of each school district shall adopt a policy prohibiting
30 bullying, harassment and cyberbullying on campus or other school
31 premises, in a school vehicle or during a school-sponsored activity or
32 event whether on or off campus or other school premises. The school
33 district shall develop such policy through a process that includes
34 representation of parents, employees, students, administrators and
35 members of the local community. Such policy shall include provisions for
36 the training and education of students and employees.*

37 (c) *The policy adopted pursuant to this section shall include, but not
38 be limited to:*

39 (1) *A statement prohibiting bullying, harassment and cyberbullying
40 of a student or employee;*

41 (2) *a definition of bullying, harassment and cyberbullying that is no
42 less inclusive than the definitions for those terms set forth in this section;*

43 (3) *a description of the type of behavior expected from students and*

1 employees;

2 (4) consequences and appropriate remedial action for a person who
3 commits an act of bullying, harassment or cyberbullying;

4 (5) a procedure for reporting an act of bullying, harassment or
5 cyberbullying, including a provision that permits a person to report an act
6 of bullying, harassment or cyberbullying anonymously. Such procedure
7 shall require that:

8 (A) All acts of bullying, harassment or cyberbullying be reported
9 verbally to the school principal within 24 hours after the student,
10 employee, volunteer, school board member or contracted service provider
11 witnessed or received reliable information regarding any such acts;

12 (B) the school principal shall inform the employees or parents of all
13 students involved in the alleged acts within 24 hours after receiving the
14 verbal report, and discuss, as appropriate, the availability of counseling
15 and other intervention services; and

16 (C) all acts of bullying, harassment or cyberbullying be reported in
17 writing to the school principal within two school days after the student,
18 employee, volunteer, school board member or contracted service provider
19 witnessed or received reliable information regarding any such incident;

20 (6) a prompt investigation of reports of bullying, harassment and
21 cyberbullying, which, at a minimum, shall provide:

22 (A) The investigation shall be initiated by the school principal, or the
23 principal's designee, within one school day of the written report of the
24 incident. The principal may appoint additional personnel to assist in the
25 investigation. The investigation shall be completed not later than 10
26 school days from the date of the initial written report of the incident. If
27 there is information relative to the investigation that is anticipated, but not
28 yet received by the end of the 10-day period, the original report may be
29 amended to include any such additional information;

30 (B) the results of the investigation shall be reported to the school
31 district superintendent within two school days after the completion of the
32 investigation. The superintendent, in accordance with rules and
33 regulations adopted by the state board of education, may decide to provide
34 intervention services, establish training programs to reduce bullying,
35 harassment and cyberbullying, impose discipline, order counseling or take
36 other appropriate actions;

37 (C) to the extent permitted by federal and state laws and rules and
38 regulations, employees and parents of the students involved in the
39 investigation shall be entitled to receive information about the
40 investigation, including the nature of the investigation, whether the school
41 district found evidence of bullying, harassment or cyberbullying, and
42 whether discipline was imposed or services provided to address the
43 incident. This information shall be provided in writing within five school

1 days after the results of the investigation are completed. A parent or
2 employee may request a hearing before the school district board after
3 receiving the investigative report. The hearing shall be held within 10 days
4 after receipt of the written request. The hearing shall be conducted in
5 executive session to protect the confidentiality of the students. At the
6 hearing, the board may hear from the investigator, the students involved in
7 the investigation, whether victims or perpetrators, the parents of such
8 students and the employees involved in the investigation. The board shall
9 consider the information presented at the hearing when making its
10 decision; and

11 (D) at the next school district board meeting following the board's
12 receipt of the completed report, the board shall issue a decision, in
13 writing, to affirm, reject or modify the superintendent's decision. The
14 board's decision may be appealed to the commissioner of education, in
15 accordance with rules and regulations adopted by the state board of
16 education, no later than 90 days after the issuance of the board's decision;

17 (7) a list of appropriate responses to an incident of bullying,
18 harassment or cyberbullying, including, but not limited to, counseling,
19 support services, intervention services and other programs recommended
20 by the commissioner of education;

21 (8) a statement that prohibits reprisal or retaliation against any
22 person who reports an act of bullying, harassment or cyberbullying and
23 the consequence and appropriate remedial action for a person who
24 engages in reprisal or retaliation;

25 (9) consequences and appropriate remedial action for a person found
26 to have falsely accused another individual of bullying, harassment or
27 cyberbullying;

28 (10) a statement of how the policy is to be publicized, including
29 notice that the policy applies to participation in school-sponsored
30 functions;

31 (11) a requirement that a link to the policy be prominently posted on
32 the home page of the school district's website and distributed annually to
33 parents who have children enrolled in a school in the school district; and

34 (12) a requirement that the name, phone number, address and email
35 address of the person designated by the school district to receive reports of
36 bullying, harassment or cyberbullying be listed on the home page of the
37 school district's website and the home page of each school building's
38 website. Such contact information shall also be maintained on the
39 department of education website.

40 (d) Each school year at the school district board meetings held in
41 December and June, the superintendent of the school district shall report
42 to the board on all acts of bullying, harassment and cyberbullying that
43 were reported during the immediately preceding six-month period. The

1 *report shall include the number of reports of bullying, harassment and*
2 *cyberbullying, the status of the investigation of each incident, the type and*
3 *nature of any discipline imposed and any training, educational programs*
4 *or other measures taken to reduce the incidence of bullying, harassment*
5 *and cyberbullying. The report shall present the information on both a*
6 *district-wide basis and by each school within the district. The*
7 *superintendent shall also submit the report to the state board within 30*
8 *days after the school district board meeting.*

9 *(e) If the state board finds any school district is not in compliance*
10 *with the requirements of this section, it shall notify such school district of*
11 *such noncompliance. The school district which receives such notice of*
12 *noncompliance shall have 30 days to become compliant. If, after 30 days,*
13 *such school district is still not compliant, the state board shall revoke such*
14 *district's accreditation.*

15 *(f) To assist school districts in developing policies for the prevention*
16 *of bullying, harassment or cyberbullying, the state board shall develop a*
17 *model policy applicable to grades kindergarten through 12 that reflects*
18 *the provisions of this section. Such model policy shall include an age-*
19 *appropriate range of consequences for bullying, harassment or*
20 *cyberbullying which shall include, at a minimum, disciplinary action or*
21 *counseling as appropriate under the circumstances. The model policy*
22 *shall be issued on or before September 1, 2016.*

23 *(g) On or before November 1, 2016, each school district board of*
24 *education shall revise its policy on bullying, harassment and*
25 *cyberbullying, and transmit a copy of such policy to the state board of*
26 *education. Each school district board shall annually conduct a review and*
27 *evaluation of such policy, and make any necessary revisions. In*
28 *conducting its review and evaluation, the school district board may*
29 *receive information from the department of education anti-bullying*
30 *specialists. The school district shall transmit a copy of any revised policy*
31 *to the state board of education within 30 days after its adoption.*

32 *(h) Notice of the school district's policy shall appear in any*
33 *publication of the school district that sets forth the comprehensive rules,*
34 *procedures and standards of conduct for schools within the school district*
35 *and in any student handbook.*

36 *(i) Nothing in this section shall be construed to:*

37 *(1) Restrict a school district from adopting and implementing policies*
38 *against bullying or school violence, or policies to promote civility and*
39 *dignity by students and school employees that are more inclusive than the*
40 *policies required under this section;*

41 *(2) permit formal disciplinary action solely on the basis of an*
42 *anonymous report;*

43 *(3) permit the public distribution of information deemed confidential*

1 *and that is prohibited by federal or state law from being made available to*
2 *the public; or*

3 (4) *unconstitutionally restrict protected rights of freedom of speech,*
4 *freedom of religious exercise or freedom of assembly.*

5 (j) *The board of education of each school district may adopt*
6 *additional policies relating to bullying pursuant to K.S.A. 72-8205(e), and*
7 *amendments thereto.*

8 (k) *As used in this section:*

9 (1) "Bullying" means: (A) Any intentional gesture or any intentional
10 written, verbal, electronic or physical act or threat either by any student,
11 ~~staff member~~ *employee* or parent towards a student or by any student, ~~staff~~
12 ~~member~~ *employee* or parent towards a ~~staff member~~ *employee* that is
13 sufficiently severe, persistent or pervasive that such gesture, act or threat
14 creates an intimidating, threatening or abusive educational environment
15 that a reasonable person, under the circumstances, knows or should know
16 will have the effect of:

17 (i) ~~Harming a student or staff member~~ *employee*, whether physically
18 or mentally;

19 (ii) ~~damaging a student's or staff member's~~ *employee's* property;

20 (iii) placing a student or ~~staff member~~ *employee* in reasonable fear of
21 harm to the student or ~~staff member~~ *employee*; or

22 (iv) placing a student or ~~staff member~~ *employee* in reasonable fear of
23 damage to the student's or ~~staff member's~~ *employee's* property;

24 (B) cyberbullying; or

25 (C) any other form of intimidation or harassment prohibited by the
26 board of education of the school district in policies concerning bullying
27 adopted pursuant to this section or ~~subsection (e)~~ of K.S.A. 72-8205(e),
28 and amendments thereto.

29 (2) "Cyberbullying" means bullying by use of any electronic
30 communication device through means of *electronically transmitted*
31 *communications*, including, but not limited to, e-mail, instant messaging,
32 text messages, blogs, mobile phones, pagers, online games, *drawings,*
33 *video clips, faxes* and websites *that a person has exhibited to a student or*
34 *employee with the intention to frighten, coerce, intimidate, abuse, harass*
35 *or alarm such student or employee.*

36 (3) "Employee" means any person employed by a school district.

37 (4) "Harassment" means engaging in any of the following conduct
38 with the intention to frighten, coerce, intimidate, abuse or alarm another
39 student or employee:

40 (A) *Striking, shoving, kicking or otherwise touching a student or*
41 *employee in an offensive manner or subjecting such person to offensive*
42 *physical contact;*

43 (B) *insulting, taunting or challenging a student or employee in a*

1 manner likely to provoke a violent response;

2 (C) making a verbal or nonverbal expression that causes a student to
3 feel uncomfortable, pressured, threatened or in danger because of reasons
4 that include, but are not limited to, such student's race, color, national
5 origin, ancestry, sex, gender identity or expression, religion, disability, or
6 sexual orientation that creates an intimidating, hostile or offensive
7 education environment, interferes with the education of a student or
8 otherwise adversely affects the educational opportunity of a student;

9 (D) name calling, making rude gestures, insulting or teasing with the
10 intent to humiliate, intimidate, threaten or embarrass a student or
11 employee;

12 (E) directing anonymous communication to a student or employee
13 repeatedly, at inconvenient times or with the use of offensive language;

14 (F) causing fear so as to prevent a student or employee from
15 accessing or using school buildings, facilities, services or other premises
16 including, but not limited to, restroom facilities; or

17 (G) physically harming, physically restraining, threatening or
18 stalking a student or employee.

19 (5) "Parent" includes a guardian, custodian or other person with
20 authority to act on behalf of the child.

21 ~~(4)~~ (6) "School district" or "district" means any unified school district
22 organized and operating under the laws of this state.

23 ~~(5)~~ (7) "School vehicle" means any school bus, school van, other
24 school vehicle and private vehicle used to transport students or staff
25 members to and from school or any school-sponsored activity or event.

26 ~~(6)~~ "Staff member" means any person employed by a school district.

27 (8) "State board" means the state board of education.

28 (9) "Student" means a person enrolled in a public school operated by
29 a school district.

30 ~~(b)~~ The board of education of each school district shall adopt a policy
31 to prohibit bullying either by any student, staff member or parent towards
32 a student or by a student, staff member or parent towards a staff member
33 on or while utilizing school property, in a school vehicle or at a school-
34 sponsored activity or event.

35 ~~(c)~~ The board of education of each school district shall adopt and
36 implement a plan to address bullying either by any student, staff member
37 or parent towards a student or by a student, staff member or parent towards
38 a staff member on school property, in a school vehicle or at a school-
39 sponsored activity or event. Such plan shall include provisions for the
40 training and education for staff members and students.

41 ~~(d)~~ The board of education of each school district may adopt
42 additional policies relating to bullying pursuant to subsection (c) of K.S.A.
43 72-8205, and amendments thereto.

1 ~~(e)~~ (l) Nothing in this section shall be construed to limit or supersede
2 or in any manner affect or diminish the requirements of compliance by a
3 staff member with the provisions of K.S.A. 2015 Supp. 38-2223 or 38-
4 2226, and amendments thereto.

5 Sec. 3. K.S.A. 2015 Supp. 72-6479 and 72-8256 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.