

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on March 12 , 2007, in Room 123-S of the Capitol.

Committee members absent: Barbara Allen
Carolyn McGinn

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator David Wysong
SuEllen Fried, Bully Safe USA
Alex Tranin, Horizon Academy
Aishlinn O'Connor, Shawnee Mission East High School
Kathleen O'Neill, Shawnee Mission East High School
Walker Adams, Shawnee Mission East High School
Representative Terri Huntington
Thomas Witt, Kansas Equality Coalition
Terecie Miller, student, Wichita East High
Ashlee Renken, student, Wichita East High School
Gina McDonald, Kansas Children's Service League
Kathy Cook, Kansas Families United for Public Education
Cindy Patton, Topeka City of Character
Mark Tallman, Kansas Association of School Boards
Terry Forsyth, Kansas National Education Association

Sub. for HB 2310 – School districts; policies relating to bullying

Sharon Wenger, Kansas Legislative Research Department, explained that the bill the House Committee on Education initially considered seemed to be more complex; therefore, the chair appointed a subcommittee to study it. The subcommittee recommended the following points which are included in **Sub. for HB 2310**: (1) The board of education of each school district shall adopt a policy to prohibit bullying on school property, in a school vehicle, or at a school sponsored activity or event, (2) Each school district shall adopt and implement a plan to address bullying, and (3) Such a plan shall include provisions for the training and education of staff members and students. She also pointed that the bill defines “bullying” as an intentional act. She explained the bill applies to harm to both students and staff, and it applies to bullying on school property and on school buses or any vehicle used for transporting students. She noted that many schools currently have bullying policies. She went on to say that the provision for character development programs was amended into the bill on the House floor by Representative Kelley. The State Board of Education would authorize and assist in the implementation of programs on character development to be offered to students in grades K-12 . The Kansas Department of Education estimated a cost of \$107,592 in State General Funds to develop character development program curriculum.

Senator David Wysong explained that, last December, one of his constituents, SuEllen Fried, asked that he and Representative Huntington discuss the issue of bullying with her. After the discussion, his daughter, who teaches eighth grade language arts in Colorado, told him that bullying is indeed a major problem in schools and happens every day to some degree. He went on to say that he supported the inclusion of cyber bullying in the bill. For the Committee's information, he distributed copies of an e-mail in support of anti-bullying legislation sent by the parent of a child with autism spectrum disorder who has been emotionally bullied at school. (Attachment 1) In addition, he left the following books to be passed around to committee members: *Bullies & Victims: Helping Your Child Through the Schoolyard Battlefield*, *Bullies Targets & Witnesses: Helping Children Break the Pain Chain* (both co-authored by SuEllen Fried and her daughter Paula Fried, Ph.D.), and *30 Activities for Getting Better at Getting Along* (by SuEllen Fried and Lynee Lang). SuEllen Fried, founder of Bully Safe USA, testified in support of **Sub. for HB 2310**. She observed that

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bullying today is much more malevolent than in the past. In her opinion, bullying is a form of child abuse, even though our laws define child abuse only when the perpetrator is an adult. She noted that research indicates that more than 5,700,000 children are bullies, targets, or both. She noted that it is up to each school or school district to significantly address the problem of childhood cruelty. She believes that bullying starts with pain; and when pain collects, it turns to rage and then rage becomes revenge, which causes pain. She emphasized that something must be done to stop the pain. She recommended passage of the bill for the following reasons: (1) Thirty states have adopted anti-bullying legislation, and a number of other states are considering bills this year, (2) Social and emotional learning significantly improve students' academic performance, and (3) Parents are craving reassurance that school systems will take the problem of bullying seriously. She noted that the bill also addressed the issues of staff safety, teacher shortages, and truancy as it relates to students who stay home from school because of fear of bullying. (Attachment 2) At the conclusion of her testimony, Ms. Fried introduced students who came to testify in support of the bill, Alex Tranin, a sixth grade student at Horizon Academy, and three Shawnee Mission East High School students, Aishlinn O'Connor, Kathleen O'Neill, and Walker Adams.

Alex Tranin explained that Horizon Academy is a small school for children with learning differences. When he attended public school, it was difficult for him to learn because he was bullied in the halls and at recess when there were no teachers around, and he was sometimes called stupid when he left the classroom for extra help. However, he has not been bullied at Horizon Academy, which has 68 students versus 500 students in public school. (Attachment 3)

Aishlinn O'Connor, addressed the issue of female bullying, which she believes is the least noticed but perhaps the cruelest form of bullying in schools today. She noted that the bullying begins in elementary school, and by the time girls enter high school, they have become "cattier." She observed that, even though "bullying" is not part of high school students' vocabulary today, it is still pervasive in schools, and the bully is often not conscious of his or her actions. She believes that, with the passage of **Sub. for HB 2310**, students who bully other students will begin to realize the consequences of their actions. (Attachment 4)

Kathleen O'Neill emphasized that social ostracizing can ruin a child's school experience, and many adults do not realize that it is happening. She noted that she avoids kids who tormented her in the third grade because she is still terrified of them. She pointed out that the bill would force adults to acknowledge a problem many would rather ignore. She said that it was imperative that the adults involved in education of children realize that bullying is not what it was when they were growing up; it has become more malicious, more inconspicuous, and much more hurtful. (Attachment 5)

Walker Adams defined cyber bullying as a term used to refer to willful bullying and harassment by the use of e-mail, instant messaging, text messages, blogs, mobile phones, and web sites. He said that computers offer an advantage to bullies because they can remain almost anonymous, and electronic forums lack supervision or censorship. He quoted statistics from a 2005 survey which showed that 20 percent of 770 youth between the ages of 11 and 19 had been bullied by electronic means. About three-fourths of those surveyed stated that they knew the bully, while 26 percent stated that the offender was a stranger. He noted that many of the youths said they were not comfortable telling an authority figure about being victimized through cyber bullying. (Attachment 6) At the conclusion of his testimony, SuEllen Fried requested that a provision relating to cyber bullying be amended into **Sub. for HB 2310**.

Representative Terrie Huntington testified in support of **Sub. for HB 2310**. She emphasized that words can damage a fragile juvenile psyche. She noted that constant battering can result in increased truancy and eventually lead to students dropping school altogether. She observed that instituting a program to minimize or alleviate bullying this year could be a life saver and cost reducer in future years. (Attachment 7)

Thomas Witt, Kansas Equality Coalition, testified in support of **Sub. for HB 2310**. He commented that 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. He contended that the bill would provide protection for gay and lesbian students. He went on to quote key findings from a 2005 national survey which documented the experiences of students who identify as lesbian or gay. One of the findings was that having a comprehensive policy in place was related to a lower incidence of homophobic remarks and to lower rates of verbal harassment. Mr. Witt indicated that, although the Kansas

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Equality Coalition was not opposed to the amendment to include character development education as part of the required curriculum, he felt that the amendment could create a potential problem due to the fiscal note. (Attachment 8) At the conclusion of his testimony, Mr. Witt introduced two seniors from Wichita East High School who supported the bill, Terecie Miller and Ashlee Renken.

Terecie Miller discussed the physical and verbal abuse a good friend experienced since age ten because he was more feminine than other boys. In high school, she finally spoke in defense of her friend. In response, one of the bullies said that faggots were disgusting and that she was just “a stupid dyke standing up for her faggot friend.” When she reported the incident to administration, she found that her only option was to file a sexual harassment report. The bully was suspended for a day and removed from one of the two classes she had with him. However, he was still in another class with her and her friend, and he continued to make harassing comments on a regular basis. She posed the question, “Why is it that my only option was a sexual harassment complaint? Why aren’t there standards for bullying and discrimination against gay teens the same as there are for others?” She urged the Committee to pass the bill because protecting all students should be a number one priority. (Attachment 9)

Ashlee Renkin related her experiences over the years as she grew up without a friend or boyfriend. She explained, by the time she was in middle school, she was called a dyke because kept her hair short and dressed like a boy. At that time, she did not know what “dyke” meant. Later on, she knew what the term meant, but she did nothing even though it hurt her. By the time she was in the eighth grade, she began cutting herself due to the stress. She played varsity soccer when she was a freshman and did well. However, she hated being in the locker room because she was always harassed. She stopped cutting herself then but began burning herself. Her family moved to Wichita when she was in the tenth grade. She did better at Wichita East because she was able to be herself. She noted that she had not cut or burned herself in over a year, but she still puts herself down due to the verbal abuse she has encountered. She urged the Committee to pass the bill so that other kids would not have to go through what she went through. (Attachment 10)

Gina McDonald, Kansas Children’s Service League, testified in support of **Sub. for HB 2310**. She noted that the bill would begin the process of defining “bullying” in schools, and it would encourage school districts to include options in their formalized plan to allow a person to report bullying incidents anonymously. She pointed out that data shows that this issue exists in every school district. She said some schools have good programs to deal with bullying but others could use more tools to deal with it. She urged the Committee to add cyber bullying to the definition section of the bill. She called the Committee’s attention to the following attachments to written testimony: (1) a bullying fast facts sheet, (2) an online article entitled, “Schools Act to Short-Circuit Spread of “Cyber bullying,” (3) an online article entitled, “Cyber Bullies Prompt New State Laws,” an online article entitled, “The Newest Breed of Bully, the Cyber Bully,” and a newspaper article regarding the song, “Howard Gray,” in which the composer apologizes for bullying a classmate many years ago. (Attachment 11)

Kathy Cook, Kansas Families United for Public Education, testified in support of **Sub. for HB 2310**. She informed the Committee that currently ten states have a law banning bullying. She noted that bullying can and does lead to negative behavior, and negative consequences come with the negative behavior. She supported the addition of enumerate categories that protect students regardless of their age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status or family status. She pointed out that the costs of society’s failure to prevent acts of bullying are enormous. She expressed her concern that the addition of “character education” to the bill could potentially derail the bullying ban which Kansas students desperately need. (Attachment 12)

Cindy Patton, Topeka City of Character, testified in support of **Sub. for HB 2310**. She explained that Topeka City of Character shares a grant from the U.S. Department of Education with Topeka USD 501 for a research study of a comprehensive character education project at Topeka public schools. To date, there have been great results from the USD 501 character education program. She noted that a component of the character education program includes an anti-bullying project. She provided a sample copy of the bulletin developed by “Character First! Elementary Student Guide,” which is given to students each month featuring a character quality of the month. She explained that school counselors teach the content of the bulletins each month to all students. She then outlined the features of the program and the outcomes. Outcomes for the anti-bullying

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program were not available as training just began last spring. In conclusion, she emphasized that helping children develop good character will increase their opportunities in life. ([Attachment 13](#))

Mark Tallman, Kansas Association of School Boards, testified in opposition to **Sub. for HB 2310**. He stated that, although KASB agrees with the basic intent of the bill, the same arguments KASB has raised in the past against new school mandates also apply to this bill. He went on to say that virtually everything defined in the bill as bullying is already against state law and every school district policy. He suggested that, if the intent was to raise awareness of issues and urge school districts to address them, the issues could be the focus of resolutions directed to the State Board and local school districts, or the Legislature could provide the State Board with resources to provide school districts with more technical assistance, or the Legislature could create financial or other incentives to help develop programs in this area without diverting resources from other goals, or the Legislature could add to the woefully underfunded state professional development program. ([Attachment 14](#))

Terry Forsyth, Kansas National Education Association, applauded the intentions of **Sub. for HB 2310** but at the same time had questions about the House amendment, which creates an unfunded mandate. He noted that KNEA developed three programs that are used in many places in Kansas to counter this negative behavior. The programs work together, moving from teasing to bullying to sexual harassment as they address issues appropriate to the age of the students. KNEA also offers a professional development training program for this series. Recently, KNEA's legal department created a program regarding cyber bullying. In conclusion, he contended that the State Department of Education did not have the time or the funding to develop the necessary standards and guidelines called for in the bill. In addition, he felt that the full fiscal impact of the bill on local school district budgets had not been considered. ([Attachment 15](#))

Senator Schodorf closed the hearing on **Sub. for HB 2310**, and the meeting was adjourned at 2:30 p.m.

Dr. John Heim, United School Administrators of Kansas, was scheduled to present testimony on **Sub. for HB 2310**; however, he was unable to attend. Written testimony was submitted after the meeting. Dr. Heim indicated in his written testimony, "While we support the intent of the proposed legislation, we do not support the substitute bill, as we have concerns about unnecessary and undue administrative burdens that may be imposed on districts and schools. Our position continues to be that those in closest proximity to students – school and district administrators – are in the best position to identify potential problems, develop and implement policies, and evaluate their effectiveness." ([Attachment 16](#))

The next meeting is scheduled for March 13, 2007.