

*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.*

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Testimony of Thomas Witt, Executive Director  
Kansas Equality Coalition  
Senate Committee on Education  
In Support of SB278  
January 31, 2012

Good afternoon Madam Chair and members of the committee. I am here today to speak in support of SB278, and I thank you for the opportunity to do so.

The Kansas Equality Coalition works to eliminate discrimination based on sexual orientation and gender identity. In the six years since we formed, we have organized eleven chapters around the state and have nearly 2000 members.

As many of you know, the Kansas Equality Coalition has been an active participant in the ongoing legislative discussions about school bullying since our formation in 2006, and worked to pass the original 2007 statute and the 2008 cyberbullying amendment. There are some who have attempted to politicize our involvement in the anti-bullying movement as part of some "gay agenda." Nothing could be further from the truth. Our interest in this issue is deeply personal, as many gay, lesbian, and transgender Kansans experienced relentless bullying during our own years in school. Even today, bullying of children based on their sexual orientation or gender identity is all-too common. A 2009 survey conducted by a GLSEN, and national organization, found that:

- 72.4% of all students heard disparaging remarks, such as "faggot" or "dyke," frequently or often at school.
- The reported grade point average of students who were more frequently harassed because of their sexual orientation or gender expression was almost half a grade lower than for students who were less often harassed (2.7 vs. 3.1).
- Nearly two-thirds (61.1%) of gay or lesbian students reported that they felt unsafe in school because of their sexual orientation, and more than a third (39.9%) felt unsafe because of their gender expression.
- 84.6% of gay or lesbian students reported being verbally harassed, 40.1% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation.
- 29.1% of gay and lesbian students missed a class at least once and 30.0% missed at least one day of school in the past month because of safety concerns, compared to only 8.0% and 6.7%, respectively, of a national sample of secondary school students.
- Students attending schools with an anti-bullying policy that included protections based on sexual orientation and/or gender identity/expression heard fewer homophobic remarks, experienced lower levels of victimization related to their sexual orientation, were more likely to report that staff intervened when hearing homophobic remarks and were more likely to report incidents of harassment and assault to school staff than students at schools with a general policy or no policy.

That last point is an important one: Schools with anti-bullying policies that enumerate protections, and include sexual orientation and gender identity or expression, are safer for children than those schools that do not. That is one of the reasons we are supporting SB278 today: The definitions proposed for the amendments to KSA 72-8256 at page 7, line 39, enumerate a non-exclusive set of protected classes that, in addition to race, color, national origin, ancestry, sex, religion and disability, include sexual orientation and gender identity.

One of the other reasons we are supporting SB278 today is accountability. This committee heard testimony from Kansas Equality Coalition last year, during the hearing on SB69, where we described to you the difficulties we have had in tracking school district compliance with the law. My colleague, Angela Perry-Smith, addressed that issue in her testimony today. At yesterday's briefing, Legislative Research provided policies and implementation plans, as required by current statute, from school districts around the state. If you recall, those policies and plans varied in quality widely from district to district. Some districts appear to have enacted only the boilerplate policy suggested by the Kansas Association of School Boards in 2008. Other districts have extended the basic policy, and have developed comprehensive curricula, reporting and counseling regimens.

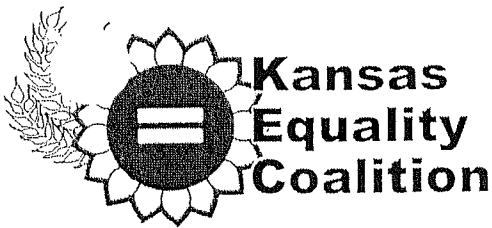
The problem with the current statute, and its implementation around the state, is that there is no mechanism for districts to report the progress they have made to comply with statute. SB278 seeks to correct that deficiency by mandating a strict policy of reporting and resolution of bullying incidents in public schools. While we strongly support accountability on the part of school districts, and agree with other proponents of SB278 that school districts must act on and report incidents of bullying, we believe some of the provisions of SB278 go too far.

There is a strong element of proscriptive micromanagement in SB278 that, should it be enacted as written, would not take into account the vast diversity in school districts across the state. Where the largest districts, such as Wichita, have tens of thousands of districts, others have only a few hundred. Kansas has a tradition of local control of our public schools, and the heavy-handed nature of many of the provisions of SB278 would remove that control and put it in the hands of the legislature.

One of the most serious deficiencies in SB278 is the lack of provision for training and education. Where current statute requires implementation plans to provide for the staff and student training, SB278 strikes those provisions, and does not replace them with new language focused on training and curriculum. Most of the focus of SB278 centers on student behavior and discipline, and on mandatory procedures for reporting and resolving specific incidents of bullying. We believe this misses the point of the educational environment: *education*. Administrators, faculty, and staff must be trained in how to recognize and respond to student bullying, and students must be taught appropriate school behavior. Many of the Kansas school districts that have gone the extra mile on anti-bullying programs, and have developed comprehensive anti-bullying programs that prioritize staff development and student education.

Our bottom line on this bill: We support the framework for accountability, in concept. We also support the expanded definitions of bullying. We do not support the micro-managed approach to the majority of this bill's language, and suggest to the committee that most of it be struck from the bill before sending it to the full Senate. Finally, we are adamantly opposed to the removal of the staff and student training provisions of current statute. In fact, we respectfully suggest to the committee that the training provisions of current statute be strengthened.

Thank you for your time and attention. I am available to stand for questions.



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Suggested Revisions to SB278

January 31, 2012

Kansas Equality Coalition recommends the following changes to SB278. Page and line references refer to the bill as originally introduced.

- Restore the original statutory language found on pages 6 and 7.
- Include page 1, lines 23 through 27
- Include page 2, lines 6 and 7
- Include page 3, lines 10 and 11; lines 24 through 30; lines 32 through 39; lines 40 through 42.
- Include page 7, lines 30 through 43
- Include page 8, lines 1 through 14

Delete all lines not referenced above.

5-3  
4-7

# Not My Problem

## Bullying

### You, Me, & Society

Presented by:

## Kansas Equality Foundation

## Preconceived Notions

- Morals and Values
- History of an individual can positively or negatively affect a persons perception of others.
- These perceptions influence our concept of others as well as our actions toward others.
- Therefore dealing with the issues of bullying and its implications is largely subjective.

## What Grade Does Kansas Get?

# B

## HOUSE BILL No.

### 2310

<http://www.kslegislature.org/bills/2008/2310.pdf>

<http://www.bullyingprevention.org/ks-law.htm>

## The Facts

- 1 out of 4 kids are Bullied.
- Statistics show the 77% of students are bullied mentally, verbally and physically. Cyber bullying statistics reveal similar numbers. And 14% of those who were bullied said they experienced severe (bad) reactions to the abuse
- Statistics of high school students, 15% reported 1 to 3 bullying incidents in the last month and 3.4% 10 times or more.
- 23% of elementary students reported being bullied 1 to 3 times in the last month.
- Half of all bullying incidents go unreported. Cyber bullying statistics indicate even less of these are reported.
- 100,000 students carry a gun to school.
- 28% of youths who carry weapons have witnessed violence at home.

<http://www.bostontrustforbullying.com/bullyingstatistics.html>

4-71

## The Facts

### SCHOOL BULLYING STATISTICS

- 30% of U.S. students in grades 6 through 10 are involved in moderate or frequent bullying
- School bullying statistics and cyber bullying statistics are increasingly viewed as an important contributor to youth violence, including homicide and suicide.
- School bullying statistics surveys show that 77% of students are bullied mentally, verbally, & physically.
- 9 out of 10 LGBT students (86.2%) experienced harassment at school in the past year, 3 out of 5 (60.8%) felt unsafe at school because of their sexual orientation and a third (32.7%) skipped a day of school in the past month because of feeling unsafe.
- Reported grade point average of students frequently harassed because of their sexual orientation or gender expression was almost half a grade lower than for students who were less often harassed (2.8 versus 2.4).

<http://www.how-to-stop-bullying.com/bullying-statistics.html>

## The Facts

### SCHOOL BULLYING STATISTICS

- 86.2% of LGBT students reported being verbally harassed
- 44.1% reported being physically harassed
- 22.1% reported being physically assaulted at school in the past year because of their sexual orientation.
- 73.6% heard derogatory remarks such as "faggot" or "dyke" frequently at school.
- 60.8% of students reported that they felt unsafe in school because of their sexual orientation
- 38.4% felt unsafe because of their gender expression.
- 31.7% missed a class and 32.7% missed a day of school in the past month because of feeling unsafe, compared to only 5.5% and 4.5%, respectively, of a national sample of secondary school students.

<http://www.glsen.org>

## The Facts

### School Crime and Safety

- 46% of males, and 26% of females reported they had been in physical fights according to the school bullying statistics.
- Teenagers say revenge is the strongest motivation for school shootings
  - 87% said shootings are motivated by a desire to "get back at those who have hurt them."
  - 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools.
- Students recognize that being a victim of abuse at home or witnessing others being abused at home may cause violence in school
  - 61% said students shoot others because they have been victims of physical abuse at home.
  - 54% said witnessing physical abuse at home can lead to violence in school.

<http://www.how-to-stop-bullying.com/bullying-statistics.html>

## The Facts

### Where Bullying Takes Place

- 1 out of 5 admit to being a bully, or doing some "Bullying."
- Each day 160,000 students miss school for fear of being bullied.
- 43% fear harassment in the bathroom at school.
- 282,000 students are physically attacked in secondary schools each month.
- More youth violence occurs on school grounds as opposed to on the way to school.
- Playground statistics - Every 7 minutes a child is bullied. Adult intervention - 4%. Peer intervention - 11%. No intervention - 85%.

<http://www.how-to-stop-bullying.com/bullying-statistics.html>

4-5

## Teen Bullying and Teasing

- Bullying and harassment by boys is usually more overt and visible. While bullying and teasing by girls is more covert it is often more destructive.

<http://www.hrw-to-stop-bullying.com/teenbullying.html>

## Bullying Circle

- Students Who Bully:** These students want to truly start the bullying and play a leader role.
- Followers or Henchmen:** These students are positive toward the bullying and take an active part, but don't usually initiate it and do not play a lead role.
- Supporters or Passive Bullies:** These students actively and openly support the bullying, for example, through laughter or calling attention to the situation, but they don't join in.
- Passive Supporters or Possible Bullies:** These students like the bullying but do not show clear signs of support.
- Disengaged Onlookers:** These students do not get involved and do not take a stand, nor do they participate actively in either direction. (They might think or say, "It's none of my business" or "Let's watch and see what happens.")
- Possible Defenders:** These students dislike the bullying and think they should help the student who is being bullied but do nothing.
- Defenders:** They dislike the bullying and help or try to help the student who is being bullied.

## Adult/Work Bullying

- Bullying definitely does not stop at school.
- Many of the "bullies" you knew as kids grow up to be adult bullies and bullies at work. They are fellow students in college, co-workers and even your boss at work. They grow up to be the criminals of the world. So stopping bullying at the childhood level has ramifications for us all. The bully at work is more common than you would think.
- A common type of adult bullying is emotional bullying. Emotional bullying occurs when someone tries to gain control by making others feel angry or afraid. It is often characterized by yelling, name-calling, sarcasm, mocking, putting down, belittling, embarrassing or intimidating. This can happen in their relationships and with bullying at work.
- Psychological violence by bullies at work is more often reported from within the organization. A U.S. study on bullying at work estimates 1 in 5 American workers has experienced destructive bullying at work in the past year.

<http://www.hrw-to-stop-bullying.com/workplacebullying.html>

## Adult/Work Bullying

- Over 80% of bullies at work are bosses, some are co-workers and a minority of bullies at work bully higher-ups.
- A bully is equally likely to be a man or a woman.
- The common stereotype of a bullied person is someone who is weak; an oddball or a loner. On the contrary, the target chosen by an adult bully at work will very often be a capable, dedicated staff member, well liked by co-workers. Bullies at work are most likely to pick on people with an ability to cooperate and a non-confrontative interpersonal style. The bully at work considers their capability a threat, and determines to cut them down.
- Unlike playground bullies who often, not always, resort to using their fists, bullies at work generally use words and actions to intimidate their victims.

<http://www.hrw-to-stop-bullying.com/workplacebullying.html>

## The One Who Bullies

- They have a strong need to dominate and subdue other students and to get their own way
- Are impulsive and are easily angered
- Are often defiant and aggressive toward adults, including parents and teachers.
- Show little empathy toward students who are victimized
- If they are boys, they are physically stronger than boys in general

<http://www.how-to-stop-bullying.com/schoolbullies.html>

## Bullies

### How They Pick Their Victim

- Are cautious, sensitive, quiet, withdrawn and shy
- Bullying in school will often cause them to be anxious, insecure, unhappy and have low self-esteem
- Are depressed and engage in suicidal ideation much more often than their peers
- Often do not have a single good friend and relate better to adults than to peers after being bullying in school
- If they are boys, they may be physically weaker than their peers

<http://www.how-to-stop-bullying.com/schoolbullies.html>

## Identifying the Victim

Possible warning signs that bullying in schools is happening to a child:

- Has torn, damaged, or missing pieces of clothing, books, or other belongings
- Has unexplained cuts, bruises, and scratches from bullying in schools
- Has few, if any friends, with whom he or she spends time
- Seems afraid of coming/going to school
- Takes a long, "illogical" route when walking to or from school
- Has lost interest in school work or suddenly begins to do poorly in school as a result of bullying in schools
- Appears sad, moody, teary, or depressed
- Complains frequently of headaches, stomachaches, or other physical ailments
- Experiences a loss of appetite
- Appears anxious and/or suffers from low self-esteem

<http://www.how-to-stop-bullying.com/schoolbullies.html>

## Teen Bullying and Teasing

### Teaching Kids How To Stop Bullying:

- Ignore the bully and walk away.
- Hold the anger.
- Don't get physical.
- Practice confidence.
- Have the confidence to say "NO".
- Take charge of your life.
- Talk about it.
- Find your (true) friends.

<http://www.how-to-stop-bullying.com/teenbullying.html>

1-2

47

### Ending Bullying: What works

- Increased supervision and monitoring of students to observe and intervene in bullying situations
- Involvement of students
- Encouragement of students to seek help when victimized or witnessing victimization
- A plan to deal with instances of bullying
- Class and school rules and policies regarding bullying and appropriate social behavior
- Promotion of personal and social competencies (e.g., assertiveness, anger management, self-confidence, and emotional management skills)

<http://www.nra.org/nra.htm>

### Ending Bullying: What works

- The most effective way of addressing bullying is through comprehensive schoolwide programs. Schoolwide programs, developed collaboratively between school administration and personnel, students, parents, and community members, seek to change the school's culture to emphasize respect and eliminate bullying. So what has been shown to work in preventing and ending bullying?
- Increased awareness, understanding, and knowledge about bullying on the part of school staff, parents, and students
- Involvement of the wider community, including parents and service providers
- Integration of bullying-related content into the curriculum in ways that are appropriate to each grade

<http://www.nra.org/nra.htm>

### Ending Bullying: What works

- A schoolwide community of respect in which every student is valued
- Collaboration between parents, educators, service providers, and students to reinforce messages and skills across settings (e.g., home, school, community)
- Serious commitment to implementing the program on the part of administrators and school staff.

<http://www.nra.org/nra.htm>