SENATE BILL No. 69

By Committee on Education

AN ACT concerning school districts; relating to bullying and dating violence; amending K.S.A. 2010 Supp. 72-8256 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 72-8256 is hereby amended to read as follows: 72-8256. (a) As used in this section:

(1) "Bullying" means: (A) 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 staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:

(i) Harming a student or staff member, whether physically or mentally;

(ii) damaging a student's or staff member's property;

(iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or

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

(B) cyberbullying; or

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

(2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

(3) "Dating partner" means any person involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long term.

(4) "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control such person's dating partner.

(3) (f) (3) "School vehicle" means any school bus, school van, other
school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(b) (1) The board of education of each school district shall adopt a policy to prohibit bullying and dating violence on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event.

(c) (2) The board of education of each school district shall adopt and implement a plan to address bullying and dating violence on school property, in a school vehicle or at a school-sponsored activity or event. The board of education shall adopt such plan through a process that includes representation of parents, school employees, school administrators and the community through the school site councils, established pursuant to K.S.A. 72-6439, and amendments thereto. Such plan shall include provisions for the training and education for staff members and students. Such plan shall be published on the school district's website with a link prominently posted on the home page of such website, and distributed annually to parents and guardians who have children enrolled in a school in the school district. The plan also shall be submitted to the department of education and shall be kept on file with the department.

(d) (3) The board of education of each school district may adopt additional policies relating to bullying and dating violence pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 72-8256 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.