



## *End discrimination based on sexual orientation and gender identity*

Statement of Thomas Witt  
Executive Director, Equality Kansas  
In Opposition to HB 2330  
House Committee on Education  
February 20, 2019

Greetings Mr Chair and members of the committee –

Equality Kansas has supported legislation aimed at eliminating bullying in schools since the 2006 legislative session, and supported passage of our state’s first bullying-prevention statute in 2007, K.S.A. 2017 Supp. 72-6147. We subsequently supported 2008’s cyberbullying amendment. Since that time, our organization has monitored implementation progress among Kansas’ 280-plus school districts, with our regional chapters working with many districts to improve and implement bullying prevention policies and programs at the local level.

Most recently, Equality Kansas supported last year’s HB2578 and HB2758, which would have required school districts to include reporting and remediation in their bullying prevention policies, and to fully publish their policies and implementation plans on their district websites. HB2758 passed the House 120 – 1. Unfortunately, there was not time to schedule a Senate committee hearing and the bill died.

In our work on bullying prevention, we have learned that effective programs include education of students, professional development programs for faculty, staff, and administrators, support for both victims and perpetrators of school bullying, and varying degrees of consequences and remediation. Effective programs also require accountability from all involved – from faculty and students who report incidents of bullying to the administrators who conduct the investigations and decide remedies and consequences.

HB 2330 is a variation of a bill that first appeared in 2012. Equality Kansas opposed it then, and we oppose it now.

As written, HB 2330 will impose a single bullying prevention policy on every school district in the state. There are a number of specific issues with this bill that make it a poor choice for bullying prevention. Among the more egregious flaws in the bill:

- It imposes an impractical 24-hour deadline on reporting an incident of bullying. There is no provision in the bill for weekends or other school holidays.
- It places the same 24-hour requirement on the students who have been bullied. It often takes children some time to gather the courage to approach an adult with a complaint or report; this should not be a reason to not acknowledge a report.
- Without provision for weekends or school holidays, the bill requires school officials to inform all students involved (including the perpetrators) and parents of the report. Including perpetrators in such an early report, before any investigation or steps taken to ensure the safety of a victim, can put children at risk for further harm.
- It directs each district’s board of education to hold hearings, in executive session, at the request of any parent, teacher, or staff. The hearing must be conducted within 10 days of the request, with a

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“completed investigation” report from the board due at their next meeting. Keep in mind that Kansas school board members are volunteers – they are not paid for their service, have regular employment outside their board duties, have families, and so on. In larger districts, school board members could find themselves in executive session investigatory meetings that will consume all their time. This could lead to fewer qualified people willing to serve on school boards. We would be facing the prospect of ballots with no candidates, and board members abruptly resigning partway through their terms.

- In cases where a school official who “reasonably should have known of an incident” may find their administrative certificate revoked. This provision will almost certainly lead to arbitrary and capricious accusations against administrators, and to arbitrary and unfair certificate revocations.
- As a remedy, it allows the imposition of “restitution” payments to the victim by the perpetrator or their parents. Restitution is often a penalty imposed on adults found guilty of criminal offenses. In no way should schools be given the authority to impose criminal penalties on children or their families. We doubt this provision would survive its first court challenge.
- Beyond these specific provisions, the bill seeks to impose a single standard and single policy on all 286 Kansas school districts. Kansas school districts are incredibly diverse – from urban districts with over 50,000 students to small rural districts with just a few hundred. We believe the best approach is to allow districts to develop policies and procedures that best fit their local communities.

We believe schools are places of teaching and learning. Most disturbing about this bill is the near-total lack of provisions for educating administrators, teachers, and students. There are no requirements for professional development or inservice training. There are no clear provisions for teaching children about bullying.

Instead, this bill is full of micromanaged directions to investigate and punish. Some of its requirements are of dubious fairness and legality. We urge the committee to shelve HB 2330, as there is an alternative bill, HB 2257, that provides a more flexible framework for our diverse school districts. The “one size fits all” approach of HB 2330 is unworkable and will ultimately be unenforceable. That will not help us achieve our goals of student well-being and safety.

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