

HOUSE BILL No. 2407

By Committee on Federal and State Affairs

3-21

1 AN ACT concerning school districts; relating to bullying policies and
2 procedures; requiring publication of such policies and procedures;
3 amending K.S.A. 72-6147 and repealing the existing section.
4

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

6 Section 1. K.S.A. 72-6147 is hereby amended to read as follows: 72-
7 6147. (a) As used in this section:

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

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

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

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

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

22 (B) cyberbullying; or

23 (C) any other form of intimidation or harassment prohibited by the
24 board of education of the school district in policies concerning bullying
25 adopted pursuant to this section or ~~subsection (e) of K.S.A. 72-1138(e),~~
26 and amendments thereto.

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

31 (3) "Parent" includes a guardian, custodian or other person with
32 authority to act on behalf of the child.

33 (4) "School district" or "district" means any unified school district
34 organized and operating under the laws of this state.

35 (5) "School vehicle" means any school bus, school van, other school
36 vehicle and private vehicle used to transport students or staff members to

1 and from school or any school-sponsored activity or event.

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

3 (b) The board of education of each school district shall adopt a policy
4 to prohibit bullying either by any student, staff member or parent towards
5 a student or by a student, staff member or parent towards a staff member
6 on or while utilizing school property, in a school vehicle or at a school-
7 sponsored activity or event.

8 (c) The board of education of each school district shall adopt and
9 implement a plan to address bullying either by any student, staff member
10 or parent towards a student or by a student, staff member or parent towards
11 a staff member on school property, in a school vehicle or at a school-
12 sponsored activity or event. Such plan shall include: Provisions for the
13 training and education for staff members and students; *consequences and*
14 *appropriate remedial action for a person who commits an act of bullying,*
15 *harassment or cyberbullying; a procedure for reporting an act of bullying,*
16 *harassment or cyberbullying; a procedure for prompt investigation of*
17 *reports of bullying, harassment and cyberbullying; and a list of*
18 *appropriate responses to an incident of bullying, harassment or*
19 *cyberbullying.*

20 (d) *On or before July 30, 2019, such plan shall be published on the*
21 *school district's website, with a link prominently displayed on the home*
22 *page of such website. Such plan shall be distributed annually to parents*
23 *and guardians who have children enrolled in a school in the school*
24 *district. The plan also shall be submitted to the department of education*
25 *and shall be kept on file with the department.*

26 ~~(d)~~(e) The board of education of each school district may adopt
27 additional policies relating to bullying pursuant to ~~subsection (e)~~ of K.S.A.
28 72-1138(e), and amendments thereto.

29 ~~(e)~~(f) Nothing in this section shall be construed to limit or supersede
30 or in any manner affect or diminish the requirements of compliance by a
31 staff member with the provisions of K.S.A. 2018 Supp. 38-2223 or 38-
32 2226, and amendments thereto.

33 Sec. 2. K.S.A. 72-6147 is hereby repealed.

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