AN ACT concerning school districts; relating to bullying; requiring adoption of policies prohibiting and preventing bullying; amending K.S.A. 72-6147 and repealing the existing section.

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

New Section 1. (a) The board of education of each school district shall adopt a policy to prohibit bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event. Such policy shall, at a minimum, incorporate the model policy promulgated by the state board of education pursuant to section 7, and amendments thereto, and shall:

(1) Prohibit bullying of all students, as specified and defined in K.S.A. 72-6147, and amendments thereto, and sections 1 through 8, and amendments thereto;

(2) designate one person in the school district as the primary contact regarding the bullying policy and procedures. The primary contact person shall receive copies of all formal and informal complaints, have responsibility for assuring the implementation of the policy and procedures and serve as the primary contact on the policy and procedures between the school district and the state board of education;

(3) require staff members and trained volunteers who witness incidents of bullying to promptly report such information to the designated school administrator, who shall be the principal, or the principal's designee, for the school where such incident occurred or where such individual is assigned and to the school district primary contact person;

(4) provide a procedure for prompt investigation of complaints of bullying, identifying the designated school administrator as the person responsible for such investigations;

(5) delineate the range of ways in which a school may respond once an incident of bullying is identified, including a range of age-appropriate consequences that may attach to the prohibited bullying;

(6) prohibit reprisal or retaliation against any person who reports an act of bullying and describe appropriate remedial action for any such person;
(7) allow for anonymous reporting while clarifying that no responsive action, including any age-appropriate consequences, may be undertaken solely on the basis of an anonymous report;
(8) include a statement of how the policy is to be publicized, including that the school district's policy shall appear:
(A) In new employee training materials;
(B) in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district;
(C) in any student handbook;
(D) on the school district's website, with a link prominently posted on the homepage of such website; and
(E) in an annual publication distributed to parents who have children enrolled in a school operated by the school district; and
(9) describe a process by which data on incidents of bullying shall be collected, reported and analyzed at least on an annual basis.
(b) The board of education of each school district may adopt additional policies relating to bullying pursuant to K.S.A. 72-1138(e), and amendments thereto.
(c) The board of education of each school district shall adopt and implement a plan to address bullying in accordance with the policy adopted pursuant to this section. Such plan shall be submitted to the department of education and shall be kept on file with the department.

New Sec. 2. (a) All allegations of bullying shall be reported to the designated school administrator, either orally or in writing. Any student, parent or staff member may file a report. If a report contains incomplete information, the designated school administrator shall take reasonable measures to contact the individuals involved to determine whether an investigation should be pursued.
(b) Upon receiving a complaint of bullying the designated school administrator shall:
(1) Promptly and thoroughly investigate the alleged incident;
(2) take immediate steps, at the designated school administrator's discretion, to protect any students or staff members involved in the alleged incident pending completion of the investigation;
(3) in accordance with the provisions of section 3, and amendments thereto, provide notification to the parents of all students involved in an alleged incident;
(4) maintain a written record, which may be kept in electronic format, of the complaint, any investigation and any intervention or disciplinary actions taken;
(5) take proper disciplinary action immediately following the conclusion of the investigation; and
(6) issue a report in a timely manner regarding the incident, investigation and any disciplinary measures taken to all students, parents or staff members involved in the alleged incident, while maintaining the privacy and safety of the students.

(c) Reports of bullying may be filed anonymously. However, disciplinary action cannot be taken solely based on an anonymous report. Anonymous reports will be investigated with the same procedure, timeliness and vigor as other reports, and disciplinary action can occur based on the results of an investigation.

(d) Any student who knowingly and willfully makes a false report of bullying shall be subject to disciplinary action.

(e) A designated school administrator shall use the procedure specified in this section to investigate reports of retaliation or threats of retaliation that are meant to intimidate the victim of the bullying incident, or towards any person investigating such incident.

(f) Incidents of bullying that involve criminal activity shall be reported to law enforcement in accordance with K.S.A. 72-6141 et seq., and amendments thereto.

(g) Any person who makes a report pursuant to this section may request that the school district conduct an independent review if such person:

(1) Believes that the designated school administrator did not correctly analyze the complaint and failed to conduct an investigation of the incident, because the designated school administrator believed the alleged conduct did not constitute bullying;

(2) is dissatisfied with the final determination of the designated school administrator following an investigation; or

(3) believes that although a final determination was made that bullying occurred, the school's response was inadequate to correct the problem.

Any such request shall be made in writing to the superintendent of the school district. Upon receipt of such request, the superintendent shall promptly initiate an independent review by a neutral person, and the designated school administrator who received the initial report and any other staff members shall cooperate with the independent review such that the review may proceed expeditiously. The independent review shall consist of an interview of the person who made the initial report and any relevant staff members and a review of the written materials from the designated school administrator's investigation.

New Sec. 3. No educational or other personal data of the alleged perpetrator shall be disclosed. In certain circumstances, disclosure of the basis for which a student is bullied may result in additional negative consequences to the student's health and well-being. Prior to notification of
any parent regarding any incident of bullying, the designated school
administrator shall consider the issue of notification the same as any other
educationally-relevant decision, which includes considering the health,
well-being and safety of any students involved in the incident.

New Sec. 4. Disciplinary actions for bullying may include, but are
not limited to: Warnings; counseling; loss of opportunity to participate in
extracurricular activities, school social events or graduation exercises; loss
of school bus transportation; community service; in-school suspension;
short term suspension; or transfer to another school. The specific
consequences shall be consistent, reasonable, fair, age-appropriate and
match the severity of the incident. A school district shall promote
progressive discipline and intervention as opposed to the implementation
of "zero tolerance" policies.

New Sec. 5. The board of education of each school district shall
implement ongoing professional development to build the skills of all staff
members to prevent, identify and respond to bullying. The content of such
professional development shall include, but not be limited to: (a)
Developmentally appropriate strategies to prevent bullying incidents; (b)
developmentally appropriate strategies for immediate, effective
interventions to stop bullying incidents; (c) information regarding the
complex interaction and power differential that can take place between and
among a perpetrator, victim and witnesses to the bullying; (d) research
findings on bullying, including information about specific categories of
students who have been shown to be particularly at risk for bullying in the
school environment; (e) information on the incidence and nature of
cyberbullying; and (f) internet safety issues related to cyberbullying. The
board may identify and offer information on alternative methods for
fulfilling the professional development requirements of this section.

New Sec. 6. Each school operated by a school district shall present, in
age-appropriate language, the school district's bullying policy as part of
any orientation program conducted for students at the beginning of each
academic term. Such presentation shall include instruction on: How to
prevent bullying; the process for making a report; the process of
investigating reports; and the potential consequences that may result from
an investigation.

New Sec. 7. (a) In order to assist school districts in developing
policies for the prevention of bullying, the state board of education shall
develop and maintain a model policy that is applicable to grades
kindergarten and one through 12, and that contains definitions of bullying
that are consistent with K.S.A. 72-6147, and amendments thereto.

(b) The state board shall develop appropriate procedures for:
(1) Investigating violations of sections 1 through 8, and amendments
thereto;
(2) the reporting of and responding to failures in adopting and implementing bullying policies and procedures;
(3) the reporting of incidents of bullying by school districts; and
(4) publication of statewide statistics concerning bullying.

(c) The state board shall adopt rules and regulations necessary to implement the provisions of K.S.A. 72-6147, and amendments thereto, and sections 1 through 8, and amendments thereto.

New Sec. 8. Nothing in K.S.A. 72-6147, and amendments thereto, and sections 1 through 7, and amendments thereto, shall be construed to limit or supersede, or in any manner affect or diminish the requirements of compliance by a staff member with the provisions of K.S.A. 2018 Supp. 38-2223 or 38-2226, and amendments thereto.

Sec. 9. K.S.A. 72-6147 is hereby amended to read as follows: 72-6147. (a)—As used in this section and sections 1 through 8, and amendments thereto:

(1) "Bullying" means:
(A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that such gesture, act or threat creates an intimidating, threatening or abusive educational environment 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. 72-1138(e), 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) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

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

"Staff member" means any person employed by a school district.

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

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

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

Sec. 10. K.S.A. 72-6147 is hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.