



End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt
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In Opposition to HB 2150
House Committee on K-12 Education Budget
February 14, 2019

Greetings Madame 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.

The bill before you today, HB 2150, purports to provide a remedy for students who are bullied. There are, however, serious flaws with this bill.

At its core, HB 2150 provides a single remedy for instances of bullying: moving a child from one school to another. From the plain language of the bill, it appears a child eligible to be moved (New Sec. 3) can be any one who:

- Is the victim of bullying;
- Witnessed the bullying;
- Perpetrated the bullying.

All a child must do to be eligible for a transfer is file a report. The allegation must be investigated, there is no provision in the bill that the allegation be *proven*.

In most effective programs with which we are familiar, moving a child to a different school is one of the *last* steps in remediation, is generally reserved as a punishment for the perpetrators, and is usually the last step just short of expulsion or referral to law enforcement. HB 2150, however, appears to *reward* perpetrators of bullying by allowing them to *voluntarily* transfer, along with their BASE state aid dollars, to a private school of their choice.

As a sole remedy, transfer of students who report an act of bullying – whether it’s the victim, the perpetrator, or the bystanders – does nothing to address the causes of school bullying, and does nothing to reduce and eliminate instances of bullying at any given school.

More significantly, by providing transfer as the only remedy for a victim, this bill does one of the *last* things we want to do to a child who has been bullied: It singles them out, and demands the steps towards securing their safety rests with them and their families. It absolves administrators and faculty from taking any action beyond the fig-leaf of an investigation intentionally designed to prove nothing.

Equality Kansas, which represents LGBT Kansans, has several chapters around the state. In at least two chapters, our members are active in sponsoring youth peer-support groups for LGBT teens. We know from direct experience and from research that LGBT kids are most at risk for being targets of bullying. According to the US Department of Health and Human Services:

[LGBT youth] are at an increased risk of being bullied. Results from the 2017 Youth Risk Behavior Survey show that, nationwide, more U.S. high school students who self-identify as lesbian, gay, or bisexual (LGB) report having been bullied on school property (33%) and cyberbullied (27.1%) in the past year, than their heterosexual peers (17.1% and 13.3%, respectively). The study also showed that more LGB students (10%) than heterosexual students (6.1%) reported not going to school because of safety concerns. Among students who identified as “not sure” of their sexual orientation, they also reported being bullied on school property (24.3%), being cyberbullied (22%), and not going to school because of safety concerns (10.7%).

We hear the horror stories first-hand from the teens in these support groups. Not only are they often bullied by their fellow students, but the bullying is sometimes condoned, and in some cases even encouraged, by teachers and administrators. Many of these kids are traumatized, some have dropped out of school, and too many have turned to substance abuse or considered suicide.

We know how some LGBT kids will be treated should this bill become law: There are administrators will use the transfer provisions to force “undesirable” children out of their schools. “*You don’t like being bullied here? Too bad. Here’s your transfer,*” could be the words an already-traumatized child will hear from their principal.

And where do they go? In many of Kansas’ smaller school districts, there *are* no alternative public schools. The bill does allow transfer to private – e.g. religious affiliated – schools. Unfortunately, many of those schools specifically ban children who are LGBT, and in some cases, ban children whose *parents* are LGBT. Ironically, perpetrators of bullying could transfer to schools that engage in discrimination against the very people they victimized, and require Kansas taxpayers to pay for the privilege.

This bill does not solve the problem of school bullying. It does nothing to educate faculty, staff, or children. It does not hold perpetrators accountable. It does not require administrators or teachers to take any action to prevent bullying. It singles out the victims, and offers a “remedy” that may be unavailable to them for the very reason they were targeted in the first place.

Please oppose this bill. It will not help the victims of bullying, and could cause them further harm. There are better ways to address school bullying.

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