



*End discrimination based on
sexual orientation and
gender identity*

Statement of Thomas Witt
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In Opposition to HB 2395
House Committee on K-12 Education Budget
March 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.

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.

We stand today in opposition to HB 2395, specifically those bullying task force provisions in Section 9, and the “Hope Scholarship Act” provisions in Sections 10 through 23.

You will recall that Equality Kansas previously opposed HB 2150, the earlier version of the “Hope Scholarship Act.” The intent of the Act is to allow victims of bullying to transfer to other schools, including out-of-district public schools and private schools. There have been changes made that address two serious flaws in that previous bill: The provision allowing the transfer of any witness to an act of bullying has now been limited to victims, and incidents of bullying must be investigated and proven for a student to be eligible for transfer.

Unfortunately, the flaw at the very premise of this bill remains: transferring the victim is the only remedy for an incident of bullying. This approach is hopelessly flawed for two reasons: One, this serves only to further isolate the victim of bullying, and two, it does nothing to address those who engage in bullying behavior. All the consequences of those two foundational flaws remain, and were pointed out in our original testimony against HB 2150:

- There may not be a private school that will accept a student. We have just seen in recent news reports that a private religious school in Prairie Village, St Ann’s Catholic School, has refused admission to a kindergartner whose parents happen to be LGBT. Schools such as St Ann’s have a long record of discrimination against LGBT families and children.
- There may be no public school within a reasonable distance from the bullied child. While cross-town transfers are possible for students in urban districts, tens of thousands of Kansas children attend schools in rural communities where the nearest option for a transfer might be an entire county away.
- School administrators may use the vouchers included in this Act to rid themselves of children whom they deem undesirable or difficult to serve. We know from working with at-risk youth that many have

been targeted by teachers and administrators who bring their personal bias with them into the classroom. This bill will do absolutely nothing to protect vulnerable children from discrimination and harassment by the very adults on whom they count for protection.

We are also opposed to the bullying prevention task force provisions of this bill. Attached to my testimony you will find 19rs1230, the Revisor's draft of a task force bill on which I have been working since last month. The task force envisioned in this Revisor's draft is the result of discussions and collaboration with a number of legislators and stakeholders.

Last week I provided a copy of the Revisor's draft to the chair of this committee. A heavily edited version of this task force bill is now contained in HB 2395. While the goal and scope portions that I had written are intact in HB 2395 (see page 17, lines 7 through 37), the organizations named as participants in the Revisor's draft are not. Gone from HB 2395 are several of the community stakeholder organizations (compare page 3 of the Revisor's draft to page 18 of HB 2395):

- Schools for Quality Education, which represents small school districts, whose needs have frequently been overlooked in some proposed bullying prevention legislation;
- GLSEN Kansas, which has been providing professional development to Kansas school districts in bullying prevention, and whose national parent organization has years of experience in bullying research and prevention;
- Kansas Children's Service League, which has a long history in bullying prevention and operates a 24-hour parent and youth resource hotline;
- Families Together, a non-profit that advocates for child health and safety;
- Equality Kansas, which has been closely involved in bullying prevention legislation since 2006.

These organizations, with years of experience in working with children and families, and in advocating for better bullying prevention laws and policies, deserve a place in any bullying prevention task force. I must express my profound dismay and disappointment at seeing these organizations pushed aside in HB 2395.

Finally, we oppose this bill because we believe the task force in Section 9, and the amendments to the existing bullying statute (see Sec. 47, pages 65 and 66) are being used to draw support for the so-called "Hope Scholarship Act" and other provisions in this bill.

As you know, Equality Kansas has been advocating for improvements to our bullying prevention statutes for several years. Unfortunately, our proposals are repeatedly bogged down with unrelated legislative baggage. Student safety is being hijacked to serve other agendas. No faction is blameless here. Last year, moderates and Democrats attempted to use a bullying bill as a vehicle to restore teacher due process. We opposed that effort just as strenuously as we oppose this.

It's time to stop playing politics with children's lives and safety. As we speak, there are kids being bullied. Some of these young people will attempt or succeed at suicide. Meanwhile, policies meant to protect them get caught up in unrelated political fights. It's time to stop putting politics ahead of the safety of children – it's time to stop using bullying prevention legislation as a vehicle for other agendas. Left, right, and center need to come together and do the right thing. Send a clean bullying prevention bill and a clean task force bill to the House floor, and let the members vote.

Thank you for your time and attention. I will stand for questions at the appropriate time.

HOUSE BILL NO. ____

By

AN ACT concerning school districts; relating to bullying policies and procedures; creating the legislative task force on bullying prevention in public schools.

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

Section 1. (a) There is hereby established the legislative task force on bullying prevention in public schools. The task force shall advise and make recommendations to the governor, the legislature and the state board of education regarding bullying prevention on school premises, in a school vehicle, at school-sponsored activities or events or with the use of school property. The task force shall prepare and submit a report to the governor, the legislature and the state board of education by January 30, 2020, and each January 30 thereafter.

(b) The recommendations and resource materials shall:

- (1) Research and recommend best practices for bullying prevention;
- (2) research and recommend best practices for training, education and professional development of school staff members in bullying prevention;
- (3) research and report on bullying prevention policies and practices in Kansas school districts;
- (4) research and report on bullying prevention policies and practices in other states;
- (5) research and report on policies and practices recommended by the United States department of education and the United States department of health and human services;
- (6) identify and recommend a range of consequences and remedial actions for a person who commits an act of bullying;
- (7) identify and recommend a range of appropriate remedial actions for victims of bullying;

- (8) recommend procedures for reporting and investigating acts of bullying;
 - (9) recommend methods for distribution and publication of bullying prevention policies, plans and procedures to parents and the general public; and
 - (10) develop and recommend criteria for data collection on acts of bullying within individual attendance centers, school districts and statewide.
- (c) The task force shall consist of 19 voting members as follows:
- (1) One member of the senate shall be appointed jointly by the chairperson and the ranking minority member of the senate committee on education;
 - (2) one member of the house of representatives shall be appointed jointly by the chairperson and the ranking minority member of the house committee on education;
 - (3) one member appointed by and from the state board of education, to serve as the chairperson of the task force;
 - (4) one member shall be a professor employed by a state educational institution with specialized expertise in bullying prevention appointed by the president of the state board of regents;
 - (5) one member shall be a principal of a public school appointed by the united school administrators of Kansas;
 - (6) one member shall be a superintendent of a public school district appointed by the united school administrators of Kansas;
 - (7) one member shall be appointed by the Kansas school counselor association;
 - (8) one member shall be appointed by the Kansas association of special education administrators;

- (9) two members shall be appointed by the Kansas association of school boards;
- (10) three members shall be classroom teachers appointed by the Kansas national education association, one of whom shall be an elementary teacher, one of whom shall be a middle or junior high teacher, and one of whom shall be a high school teacher;
- (11) one member shall be appointed by the Kansas state high school activities association;
- (12) one member shall be appointed by schools for quality education;
- (13) one member shall be appointed by the Kansas children's service league;
- (14) one member shall be appointed by equality Kansas;
- (15) one member shall be appointed by families together, inc.;
- (16) one member shall be appointed by GLSEN Kansas; and
- (17) the following ex-officio members, who shall be non-voting members of the task force:
- (A) One member shall be a licensed attorney from the state department of education appointed by the commissioner of education; and
- (B) one member shall be a licensed attorney who is familiar with harassment and bullying prevention issues appointed jointly by the chairperson of the senate committee on education and the chairperson of the house committee on education.
- (d) The chairperson shall call an organizational meeting of the task force on or before July 15, 2019. At such organizational meeting, the members shall elect a vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the

members of the task force. The task force shall meet no more than six times in 2019, and not more than once a year in 2020, 2021 and 2022, and may hold meetings by telephone or video conference, if necessary.

(e) Subject to subsection (d), the task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be 10 voting members. All actions of the task force shall be by motion adopted by a majority of those voting members present when there is a quorum.

(f) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(g) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the legislative task force on bullying prevention.

(h) The provisions of this section shall expire on June 30, 2023.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.