



End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt
 Executive Director, Equality Kansas
 In Support of SB 410
 Senate Committee on Education
 February 18, 2019

Good afternoon 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. 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 2011, the US Department of Education published “Analysis of State Bullying Laws and Policies.” Excerpts from that 202-page study are attached to my testimony. The first attachment, the study’s “Exhibit 2: Key state bullying legislation and policy components,” identifies sixteen components of state bullying prevention laws and policies, and assigns each component a rating of 0 to 2. The study’s Exhibits 15 and 17 then identify, by state, those components contained within its legislation and assigns a rating to each component’s expansiveness.

Component	Kansas Rating
Purpose	1
Scope	1
Prohibited behavior	2
Enumerated groups	0
District policy	1
District policy review	0
Definitions	0
Reporting	0
Investigations	0
Written records	0
Sanctions	0
Mental health referrals	0
Communications	0
Training/prevention	1
Transparency/monitoring	0
Legal remedies	0

An explanation of the components, the study’s “Exhibit 1,” is attached. Of the sixteen components identified, Kansas includes 5. Out of the maximum 32 expansiveness rating points available, as of 2011, Kansas scores only 6. While a substantial amount of time has passed since 2011, our statute has not been amended to address these areas in the intervening years.

Beginning with the 2009/2010 school year, Equality Kansas has conducted intermittent surveys of school district bullying prevention policies and plans. As part of that survey process, most recently completed in the 2014/2015 school year, we researched district websites, looking for their bullying prevention policies and procedures. We have followed that research with letters to superintendents requesting bullying prevention materials not available on their websites. We have found that many school districts have been very slow to comply with the basic requirements of the law, and some becoming minimally compliant only after repeated contacts from our organization.

Most districts have adopted a “boilerplate” policy distributed by the Kansas Association of School Boards. Those policies are minimal and do not include procedures for implementation or reporting. Attached to my testimony is a copy of the most recent revision of the KASB policy template, “JDDC Bullying.”

The majority of Kansas school districts have adopted and posted their bullying policies online. Only a minority of districts, however, make their implementation plans public. Attached to my testimony today are two implementation plans for a single district: Cimarron-Ensign USD 102. The first, which was on their website from at least 2015 through the summer of 2018, is a comprehensive implementation plan that many in Equality

Kansas and allied organizations thought was a great example of leadership from a rural Kansas school district. If one were to apply the USDE's "expansiveness rating" to USD 102's 2015-2018 plan, their score would have likely been in the twenties rather than single digits.

In 2018, however, USD 102 replaced their comprehensive implementation policy with new minimum implementation language provided by KASB, "USD ____ Bullying Plan," attached. We view the new plan adopted by USD 102 to be a huge step back from the progress that had been made.

We aren't trying to single out any particular school district. USD 102's plans - both the 2015 and 2018 versions - are illustrative of what we see from many school districts around the state.

One point I'd like to make: In our studies, we have found absolutely no correlation between the size of a school district and the quality of their bullying prevention plans and policies. We find large and small districts with well-developed policies and plans. We find large and small districts that have adopted only minimum policies. Kansas school districts are all over the map on the quality and comprehensiveness of their approach to bullying prevention.

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.

Since 2011, there have been several bills introduced that would have addressed many of the deficiencies in Kansas policy. Some we have supported. Others we have opposed as too onerous and invasive of local control, which we strongly support. Most recently, Equality Kansas supported 2018's 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, House passage came after First Turnaround, and there was no time to schedule a Senate committee hearing.

The bill before you today addresses only a small part of a comprehensive bullying prevention policy overhaul. It requires comprehensive publication, via attendance center and district websites, enrollment packets, student handbooks, and staff training materials, of the building and district's bullying prevention policies and procedures. It also requires comprehensive data collection to be collected and published on attendance center and district websites, and submitted to the State Department of Education.

What SB 410 does not do is tell school districts what the content of the policies, plans, and procedures must be.

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. While SB 410's disclosure requirements imply the existence of comprehensive policies and implementation plans, it does not impose specific policy implementations on school districts. Instead, we believe it gives school districts broad guidelines to follow in the development of policies and procedures that best fit their district.

We believe that, when provided with the information they need, parents, students, and local community advocates can work with their local school boards and building administrators to build effective bullying prevention programs that address the needs of their communities. We see SB 410 as a first major step in accomplishing that goal.

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

Exhibit 1. Description of 11 U.S. Department of Education-identified key components and school district policy subcomponents in state bullying legislation

- 1. Prohibition and Purpose Statement** Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment. It also declares that any form, type, or level of bullying is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
 - 2. Statement of Scope** Covers conduct that occurs on the school campus, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
 - 3. Prohibited Behavior** Provides a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes a nonexclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community. Is consistent with other federal, state, and local laws.
 - Prohibited conduct also includes:
 - Retaliation for asserting or alleging an act of bullying.
 - Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).
 - 4. Enumeration of Groups** Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics. Makes clear that bullying does not have to be based on any particular characteristic.
 - 5. Development and Implementation of Local Policies** Directs every district to develop and implement a policy prohibiting bullying, through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
 - 6. Review of Local Policies** Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.
 - 7. Components of Local Policies** The Department identified six components that laws typically mandate or encourage districts to cover in their local district policies. These include:
 - *Definitions*: Includes a definition of bullying consistent with the definitions specified in state law.
 - *Reporting*: Includes a procedure for students, students' families, staff, and others to report incidents of bullying, including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
 - *Investigating*: Includes a procedure for promptly investigating and responding to any report of an incident of bullying, including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.
 - *Written records*: Includes a procedure for maintaining written records of all incidents of bullying and their resolution.
 - *Sanctions*: Includes a detailed description of a graduated range of consequences and sanctions for bullying.
 - *Referrals*: Includes a procedure for referring the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.
 - 8. Communications** Includes a plan for notifying students, students' families, and staff of policies related to bullying, including the consequences for engaging in bullying.
 - 9. Training and Prevention** Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying. Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.
 - 10. Transparency and Monitoring** Includes a provision for school districts to report annually to the state on the number of reported bullying incidents, and any responsive actions taken. Includes a provision for school districts to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.
 - 11. Right to Pursue Other Legal Remedies** Includes a statement that the policy does not preclude victims from seeking other legal remedies.
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Source: U.S. Department of Education (2010a)

Exhibit 17. Extent of expansiveness for state bullying legislation for U.S. Department of Education-identified key components, by state (n=46)

State	Definitions				District policy review & development		District policy components						Additional elements				TOTAL
	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Consequences	Mental health	Communications	Training/prevention	Transparency/monitoring	Legal remedies	
Alabama	1	1	2	1	2	0	2	1	2	1	1	1	1	2	2	0	20
Alaska	1	1	1	0	2	0	0	2	0	0	1	0	0	0	2	0	10
Arizona ^a	1	1	1	0	1	0	1	2	1	2	1	1	1	0	0	0	13
Arkansas	2	2	2	2	1	2	2	2	1	1	1	1	1	1	0	0	21
California	0	2	2	1	1	2	0	1	1	1	2	0	1	1	2	0	17
Colorado	0	1	1	0	2	1	2	0	0	0	2	0	1	1	0	0	11
Connecticut	0	2	1	0	2	1	0	2	2	2	2	2	2	2	2	0	22
Delaware	1	2	2	0	2	2	2	2	1	0	2	0	2	2	2	0	22
Florida	1	1	2	1	2	2	2	1	2	1	2	2	2	1	2	0	24
Georgia ^b	1	1	2	0	2	0	0	2	1	0	2	0	1	1	0	0	13
Idaho	1	0	2	0	1	0	0	0	0	0	1	0	1	0	0	0	6
Illinois	2	1	2	2	1	2	0	0	0	0	2	0	1	1	0	2	16
Indiana	1	1	1	0	1	0	0	1	1	0	1	0	0	1	0	0	8
Iowa	2	1	2	1	2	0	2	1	1	0	1	0	2	1	1	2	19
Kansas	1	1	2	0	1	0	0	0	0	0	0	0	0	1	0	0	6
Kentucky	0	1	2	0	2	0	0	1	2	0	2	0	2	1	2	0	15
Louisiana	1	2	2	0	2	0	0	1	1	2	1	0	1	2	2	0	17
Maine	2	1	2	2	2	0	2	1	1	0	2	2	1	2	0	0	20
Maryland	1	2	2	2	2	1	2	1	1	2	2	2	2	2	2	2	28
Massachusetts	1	2	2	0	2	1	1	2	2	0	2	2	2	2	0	2	23
Minnesota ^c	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	3
Mississippi	1	1	2	0	2	0	0	2	1	0	1	0	1	0	0	0	11
Missouri	0	1	2	0	2	0	0	2	0	0	1	0	1	1	0	0	10
Nebraska	0	1	2	0	2	0	0	0	0	0	1	0	0	0	0	0	6
Nevada	2	1	2	0	1	1	2	1	0	2	1	0	2	2	2	0	19
New Hampshire	2	2	2	2	2	0	2	1	2	2	2	0	2	2	2	2	27
New Jersey	2	2	2	1	2	1	2	2	2	2	2	2	2	2	2	2	30
New Mexico	1	1	2	2	2	0	1	2	1	0	1	0	2	1	0	0	16
New York	2	1	1	2	1	0	2	1	0	0	2	2	1	1	2	2	20
North Carolina	1	1	2	2	2	1	2	2	1	0	1	0	1	2	0	2	20
North Dakota	1	1	2	0	2	1	2	1	2	1	1	0	2	2	0	2	20
Ohio	1	1	1	0	2	0	2	2	2	1	1	0	1	1	1	2	18
Oklahoma	2	2	2	0	1	2	0	0	1	0	1	2	0	1	0	0	14
Oregon ^d	2	1	2	2	1	2	2	1	2	1	1	0	1	1	0	2	21
Pennsylvania	0	2	2	0	2	1	1	1	0	0	1	0	2	1	0	0	13
Rhode Island	1	1	2	0	2	1	0	1	0	0	0	0	2	2	0	2	14
South Carolina	1	1	2	0	2	0	2	2	2	0	1	0	2	2	0	2	19
Tennessee	2	1	1	0	2	1	2	1	2	0	1	0	0	1	0	0	14
Texas	1	1	1	0	0	0	0	0	0	0	2	0	0	1	0	0	5
Utah	1	2	2	0	2	0	2	0	0	0	0	0	1	1	0	2	13
Vermont	2	1	1	1	2	0	2	2	2	2	2	0	2	1	2	0	22
Virginia	2	1	2	2	1	0	1	0	0	0	2	0	1	2	2	2	18
Washington	2	2	2	2	2	2	2	2	2	2	2	2	2	2	0	2	30
West Virginia	2	1	2	0	2	1	2	2	2	1	1	0	1	2	2	2	23
Wisconsin	1	1	0	0	2	0	1	1	1	0	1	0	1	0	0	0	9
Wyoming	1	1	2	0	2	0	2	1	2	1	1	0	2	2	0	2	19
Average Rating:	1.2	1.2	1.7	0.6	1.7	0.6	1.1	1.2	1.0	0.6	1.3	0.5	1.2	1.2	0.7	0.8	16.5

Source: Analysis of State Bullying Laws and Policies, U.S. Department of Education Office of Planning, Evaluation and Policy Development, 2011

Exhibit 15. Extent of coverage of U.S. Department of Education-identified key components in state bullying legislation, by state (n=46)

State	Definitions				District policy review & development		District policy components						Additional components				TOTAL
	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Consequences	Mental health	Communications	Training/prevention	Transparency/monitoring	Legal remedies	
Alabama	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			14
Alaska	✓	✓	✓		✓			✓		✓		✓		✓			8
Arizona	✓	✓			✓		✓	✓	✓	✓	✓	✓					10
Arkansas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			14
California		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		12
Colorado		✓	✓		✓	✓	✓			✓	✓	✓	✓	✓			8
Connecticut		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		12
Delaware	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		13
Florida	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		15
Georgia	✓	✓	✓		✓			✓	✓		✓	✓	✓				9
Idaho	✓		✓		✓					✓		✓					5
Illinois	✓	✓	✓	✓	✓	✓				✓		✓	✓		✓		10
Indiana	✓	✓	✓		✓			✓	✓		✓		✓	✓			8
Iowa	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	13
Kansas	✓	✓	✓		✓								✓	✓			5
Kentucky	✓	✓	✓		✓			✓	✓		✓		✓	✓	✓		9
Louisiana	✓	✓	✓		✓			✓	✓	✓	✓	✓	✓	✓			11
Maine	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓			12
Maryland	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
Massachusetts	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓		✓		13
Minnesota	✓				✓												2
Mississippi	✓	✓	✓		✓			✓	✓		✓	✓					8
Missouri		✓	✓		✓			✓			✓	✓	✓				7
Nebraska		✓	✓		✓						✓						4
Nevada	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓			12
New Hampshire	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	14
New Jersey	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
New Mexico	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓				11
New York	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	13
North Carolina	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓		13
North Dakota	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		13
Ohio	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Oklahoma	✓	✓	✓		✓	✓		✓		✓	✓	✓	✓				10
Oregon *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓		14
Pennsylvania		✓	✓		✓	✓	✓	✓		✓		✓	✓				9
Rhode Island	✓	✓	✓		✓	✓		✓				✓	✓		✓		9
South Carolina	✓	✓	✓		✓		✓	✓	✓		✓	✓	✓		✓		11
Tennessee	✓	✓	✓		✓	✓	✓	✓		✓		✓	✓				11
Texas	✓	✓	✓							✓		✓	✓				6
Utah	✓	✓	✓		✓		✓					✓	✓		✓		8
Vermont	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓			13
Virginia	✓	✓	✓	✓	✓		✓			✓		✓	✓	✓	✓	✓	11
Washington	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		15
West Virginia	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	14
Wisconsin	✓	✓			✓		✓	✓	✓	✓		✓					8
Wyoming	✓	✓	✓		✓		✓	✓	✓	✓		✓	✓		✓		12
TOTAL:	39	44	43	17	45	20	29	36	31	18	42	13	42	39	18	18	
PERCENT:	85%	96%	93%	37%	98%	43%	63%	78%	67%	39%	91%	28%	91%	85%	39%	39%	

Exhibit 2. Key state bullying legislation and policy components identified by the U.S. Department of Education: Criteria used to rate the expansiveness of components and subcomponents

Key Component	Rating		
	0	1	2
Purpose	None State legislation or policy does not contain a prohibition against bullying.	Prohibits behavior State legislation or policy contains an explicit prohibition against bullying, but does not contain language articulating the purpose or intent. To receive minimum rating of 1 a policy must contain a statement prohibiting bullying.	Prohibits behavior and describes policy purpose and intent State legislation or policy contains BOTH an explicit prohibition against bullying and language articulating the purpose or intent.
Statement of scope	None State legislation or policy does not contain any language defining scope.	Less expansive State legislation or policy includes statement of scope covering behavior on school grounds or at school-sponsored events, and other school-related locations (e.g., <i>bus stops, adjacent property</i>) or events (i.e., <i>off-campus school functions or where school staff is responsible for students</i>).	More expansive State legislation or policy includes statement of scope that covers off-campus behavior that creates a hostile environment at school.
Prohibited behavior	Least expansive State legislation or policy does not define prohibited behavior or contains limited descriptions of behavior.	Moderate State legislation or policy describes prohibited behavior but does not mention cyberbullying, or mentions cyberbullying without any formal definition of bullying behavior.	Most expansive State legislation or policy describes prohibited behaviors and includes explicit language addressing cyberbullying or bullying by electronic means.
Enumeration of groups	None Does not define bullying in terms of victims' characteristics.	Less expansive Enumerates victims' characteristics but limits coverage to only those protected classes.	Less restrictive with explicit protections for vulnerable populations State legislation or policy enumerates protected classes, but does not limit coverage under law to members of those classes (e.g., "including, but not limited to").
District policy development	None State legislation does not require districts to develop or adopt local policies.	Limited requirements State legislation requires districts to adopt local policies, but does not specify completion dates.	Extensive requirements State legislation requires districts to adopt local policies with specified dates, and sets requirements for policy development (e.g., requirement for collaborative planning and development)
District policy components Definitions	None State legislation does not contain explicit requirement for definitions in school district policies.	Any definition State legislation requires that policies contain a definition of prohibited behavior.	Conforms to state State legislation explicitly requires that policies contain a definition that is consistent with state legislation or that is inclusive of the state definition.
District policy components Reporting	None State legislation or policy does not contain any explicit district requirements related to incident reporting.	Encouraged reporting and procedures State legislation or policy encourages reporting by school personnel and outlines specific mechanisms, such as designating school personnel or providing for anonymous reporting.	Mandatory reporting by staff and/or students State legislation or policy mandates that school personnel and/or students who witness bullying must report. Typically includes immunity clauses. May also address anonymous reporting and confidentiality.
District policy components Investigations and Response	None State legislation or policy does not contain any explicit district requirements related to investigation of reports.	General requirement for investigation State legislation or policy contains language related to investigating complaints. May designate school personnel to receive reports and conduct investigations.	Specific requirements for investigation State legislation or policy contains specific language outlining an investigation process. Process may include parent notification and safeguards for victims.

Source: Analysis of State Bullying Laws and Policies, U.S. Department of Education Office of Planning, Evaluation and Policy Development, 2011

Exhibit 2. Key state bullying legislation and policy components identified by the U.S. Department of Education: Criteria used to rate the expansiveness of components and subcomponents (Continued)

Key Component	Rating		
	0	1	2
District policy components Written Records	None State legislation or policy does not address written documentation for reporting or investigations.	Documentation of reporting State legislation or policy establishes procedures for reporting or investigations that include written documentation.	Documentation of reporting, investigation, and response State legislation or policy requires district to maintain written documentation of reported incidents, and includes specific language outlining written requirements or forms (e.g., communicating information on the schools' response to parents of victims in writing).
District policy components Sanctions	None State legislation or policy does not address disciplinary actions or other consequences for prohibited behavior.	Disciplinary consequences (punitive only) State legislation or policy requires the inclusion of consequences or sanctions, but focuses on punitive consequences only.	Expansive consequences (punitive with supportive interventions) State legislation or policy requires districts to address consequences or sanctions that include both punitive sanctions and supportive or remedial interventions for aggressors.
District policy components Referrals	None State legislation or policy does not address counseling or other supportive services for victims.	Limited counseling, intervention component State legislation or policy encourages districts to address counseling or other supportive services for victims.	Strong counseling component State legislation or policy requires that districts provide counseling or other supportive services to victims.
Review of policy	None State legislation or policy does not require individual schools or districts to submit policies for review.	Less extensive review State legislation or policy requires school districts to submit their policy to the state department of education or other state agency for review.	More extensive review State legislation or policy establishes guidelines for policy review that may include sanctions for districts not in compliance.
Commu- nications	Little or no required communications State legislation or policy does not outline any requirements for publicizing policies, uses vague language, or only requires that policies be publicly posted.	Somewhat visible State legislation or policy contains explicit requirements for communicating policies to parents, students, and staff in writing (e.g., in codes of conduct, student handbooks, or employee manuals) and may encourage districts to discuss policies with students and school personnel.	Most visible State legislation or policy meets minimum criteria for a 1 rating and requires that districts actively discuss or review policies with school personnel or students.
Training and prevention	No training and prevention component State legislation or policy does not contain any explicit requirements for employee training or school prevention or intervention strategies for students and/or staff.	Limited training and prevention component State legislation or policy includes requirements for employee training on bullying policies and/or discussion of policies with students and includes language related to school-wide bullying prevention and education. Programs are encouraged, but not required.	Strong training and prevention component State legislation or policy includes mandatory requirements for schools to address training and prevention for both students and staff, including but not limited to school-wide bullying prevention, education, or intervention strategies.
Trans- parency and monitoring	No mandated reporting State legislation or policy does not require districts to record incidents of bullying apart from required <i>Safe and Drug Free Schools and Communities Act (SDFSCA)</i> reporting.	Internal school or district reporting required only State legislation or policy requires districts to record information related to the number of reported incidents. No requirement to report data to the state.	State reporting requirements-defined State legislation or policy requires districts to report incidence data to the state. State legislation or policy outlines specific data requirements and/or reporting mechanisms and timelines. May include sanctions for failing to report.

Source: Analysis of State Bullying Laws and Policies, U.S. Department of Education Office of Planning, Evaluation and Policy Development, 2011

JDDC Bullying (See EBC, GAAE, JCE, JDD, JGEC, JGECA, and KGC) JDDC

The board of education prohibits bullying in any form 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 using school property, in a school vehicle, or at a school-sponsored activity or event. For the purposes of this policy, the term “bullying” shall have the meaning ascribed to it in Kansas law.

The administration shall propose, and the board shall review and approve a plan to address bullying as prohibited herein. The plan shall include provisions for the training and education of staff members and students and shall include appropriate community involvement as approved by the board.

Students who have bullied others in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion. If appropriate, students who violate the bullying prohibition shall be reported to local law enforcement.

Approved: KASB Recommendation – 06/07; 6/08; 6/09; 6/13

USD ___ Bullying Plan

(Also see Policies GAAE and JDDC)

Bullying means: 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 it creates an intimidating, threatening, or abusive educational environment that a reasonable person, under the circumstances, knows or should know will have the effect of:

- Harming a student or staff member, whether physically or mentally;
- Damaging a student's or staff member's property;
- Placing a student or staff member in reasonable fear of harm; or
- Placing a student or staff member in reasonable fear of damage to the student's or staff member's property.

Bullying also includes cyberbullying. "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.

Additionally, bullying means any form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to K.S.A. 72-8256 or subsection (e) of K.S.A. 72-8205, and amendments thereto. USD ___ will not tolerate these actions by students, staff, or parents.

For the purposes of this plan and its authorizing policies, "parent" includes a biological, adoptive, or step-parent; guardian; custodian; or other person with authority to act on behalf of a student.

Similarly, a "staff member" means any person employed by the district.

Any act of bullying by either an individual student or group of students towards a student or staff member of the district is prohibited on or while utilizing school property, in a school vehicle, or at school-sponsored activities, programs, and events. This policy applies to students who directly engage in an act of bullying, to students who, by their behavior, support another student's act of bullying, and to all staff members and parents who engage in similar behaviors.

Training concerning identifying, reporting, investigating, and preventing bullying behaviors as outlined in district policies and this plan shall be provided to students and staff members using district resources available for such

purpose and shall be provided through school assemblies, staff development, or other appropriate forums at least {annually/biannually}.

The board or the district administration on behalf of the board may seek student, staff, parent, and/or community input on the adoption, revision, and/or implementation of the board's bullying policies or plan as directed or approved by the board.

No teacher, administrator, or school district employee shall engage in, permit, or tolerate bullying.

Retaliation against a victim, good faith reporter, or a witness to bullying is prohibited. A student or staff member who engages in an act of bullying, reprisal, retaliation or false reporting of bullying, shall be subject to discipline in accordance with school district policy and procedures. The school administration and/or board may take into account the following factors when determining an appropriate disciplinary action for such prohibited conduct: the ages of the parties involved; the developmental and maturity levels, special education needs of the parties involved, and the severity of the behavior.

Discipline guidelines for student bullying may be found in student and employee handbooks. Offenses over time or single offenses which are severe in nature may result in discipline up to and including suspension and/or expulsion or termination from employment. Parents participating in prohibited bullying conduct aimed at district students and/or staff members may jeopardize their access to district facilities; district property; school sponsored activities, programs, and events; and/or district students and/or staff members through the district's communication systems. As appropriate, reports to local law enforcement will be filed to report criminal bullying behaviors. (See Policies EBC, GAAC, GAACA, JGEC, JGECA and KN)

Cimarron School District Anti-Bullying Policy

The Cimarron School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance and acceptance. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behaviors.

“Harassment or bullying” is any gesture or written, verbal, graphic or physical act (including electronically transmitted acts - i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held devices) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, socio-economic, sexual orientation, gender identity, and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function or in a school vehicle.

“Harassment “ is conduct that meets all of the following criteria:

- (1) is directed at one or more students;
- (2) substantially interferes with educational opportunities, benefits or programs of one or more students;
- (3) adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect;
- (4) is based on a student's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics.

“Bullying is conduct that meets all of the following criteria:

- (1) is directed at one or more students;
- (2) substantially interferes with educational opportunities, benefits or programs of one or more students;
- (3) adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect;
- (4) is based on a student's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics.

The Cimarron School District expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, faculty, staff, and volunteers.

The Cimarron School District believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, faculty, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, faculty, staff, and community members.

The Cimarron School District believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Cimarron School District requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying.

The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

Factors for Determining Consequences

- (1) Age, development, and maturity levels of the parties involved
- (2) Degree of harm
- (3) Surrounding circumstances
- (4) Nature and severity of the behavior(s)
- (5) Incidences of past or continuing pattern(s) of behavior
- (6) Relationship between the parties involved
- (7) Context in which the alleged incident(s) occurred

Factors for Determining Remedial Measures

Personal

- (1) Life skills competencies
- (2) Experiential deficiencies
- (3) Social relationships
- (4) Strengths
- (5) Talents
- (6) Traits
- (7) Interests
- (8) Hobbies
- (9) Extracurricular activities
- (10) Classroom participation
- (11) Academic performance

Environmental

- (1) School culture
- (2) School climate
- (3) Student-staff relationships and staff behavior toward the student
- (4) General staff management of classrooms or other educational environments
- (5) Staff ability to prevent and de-escalate difficult or inflammatory situations
- (6) Social-emotional and behavioral support
- (7) Social relationships
- (8) Community activities
- (9) Neighborhood culture
- (10) Family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the development age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of conduct. Remedial measures shall be designed to: correct the problem behavior, prevent another occurrence of the behavior; and protect the victim of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- (1) Admonishment
- (2) Temporary removal from the classroom
- (3) Loss of privileges
- (4) Classroom or administrative detention
- (5) Referral to disciplinarian
- (6) In-school suspension during the school week or the weekend, for students
- (7) Out of school suspension
- (8) Legal action
- (9) Expulsion or termination

Examples of Remedial Measures

Personal

- (1) Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- (2) Restitution and restoration
- (3) Transformative conferencing/restorative justice
- (4) Peer support group
- (5) Corrective instruction or other relevant learning or service experience
- (6) Supportive discipline to increase accountability for the bullying offense
- (7) Supportive interventions, including participation of an intervention and Referral Services team. Peer mediation, etc.
- (8) Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate

(Personal Remedial Measures continued)

- (9) Behavioral management plan, with benchmarks that are closely monitored
- (10) Involvement of school disciplinarian
- (11) Student counseling
- (12) Student treatment
- (13) Parent conferences
- (14) Student therapy

Environmental (Classroom, School Building or School District)

- (1) Set a time, place and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- (2) School and community services or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- (3) School culture change
- (4) School climate improvement
- (5) Adoption of research-based, systemic bullying prevention programs
- (6) Modifications in student routes or pattern traveling to and from school
- (7) Modifications of schedules
- (8) Adjustments in hallways traffic
- (9) Targeted use of monitors (e.g. hallways, cafeteria, bus)
- (10) General professional development programs for certified and non-certified staff
- (11) Professional development plans for involved staff
- (12) Disciplinary actions for school staff who contributed to the problem
- (13) Parent conferences
- (14) Referral to family counseling
- (15) Involvement of parent-teacher organizations
- (16) Involvement of community-based organizations
- (17) Development of a general bullying response plan
- (18) Peer support groups
- (19) Law enforcement involvement (e.g., school resource officer, juvenile officer)

The Cimarron School District requires the principal and or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Cimarron School District requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of each alleged incident. The investigation is to be initiated within three school days after a report or complaint is made.

The Cimarron School District prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The Cimarron School District prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial actions for a school employee found to have falsely accused another as a means of harassment or bullying shall be disciplined in accordance with district policies, procedures and agreements.

The Cimarron School District requires school officials to annually disseminate the policy to all school staff, students and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions or on a school bus. The chief school administrator shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

JDDC SHORT MODEL BULLYING PLAN

USD 102 Bullying Plan

(Also see Policies GAAE and JDDC)

Bullying means: 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 it creates an intimidating, threatening, or abusive educational environment that a reasonable person, under the circumstances, knows or should know will have the effect of:

- Harming a student or staff member, whether physically or mentally;
- Damaging a student's or staff member's property;
- Placing a student or staff member in reasonable fear of harm; or
- Placing a student or staff member in reasonable fear of damage to the student's or staff member's property.

Bullying also includes cyberbullying. "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.

Additionally, bullying means any form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to K.S.A. 72-6147 or subsection (e) of K.S.A. 72-1138, and amendments thereto. USD 102 will not tolerate these actions by students, staff, or parents.

For the purposes of this plan and its authorizing policies, "parent" includes a biological, adoptive, or step-parent; guardian; custodian; or other person with authority to act on behalf of a student.

Similarly, a "staff member" means any person employed by the district.

Any act of bullying by either an individual student or group of students towards a student or staff member of the district is prohibited on or while utilizing school property, in a school vehicle, or at school-sponsored activities, programs, and events. This policy applies to students who directly engage in an act of bullying, to students who, by their behavior, support another student's act of bullying, and to all staff members and parents who engage in similar behaviors.

JDDC SHORT MODEL BULLYING PLAN

Training concerning identifying, reporting, investigating, and preventing bullying behaviors as outlined in district policies and this plan shall be provided to students and staff members using district resources available for such purpose and shall be provided through school assemblies, staff development, or other appropriate forums at least {annually/biannually}.

The board or the district administration on behalf of the board may seek student, staff, parent, and/or community input on the adoption, revision, and/or implementation of the board's bullying policies or plan as directed or approved by the board.

No teacher, administrator, or school district employee shall engage in, permit, or tolerate bullying.

Retaliation against a victim, good faith reporter, or a witness to bullying is prohibited. A student or staff member who engages in an act of bullying, reprisal, retaliation or false reporting of bullying, shall be subject to discipline in accordance with school district policy and procedures. The school administration and/or board may take into account the following factors when determining an appropriate disciplinary action for such prohibited conduct: the ages of the parties involved; the developmental and maturity levels, special education needs of the parties involved, and the severity of the behavior.

Discipline guidelines for student bullying may be found in student and employee handbooks. Offenses over time or single offenses which are severe in nature may result in discipline up to and including suspension and/or expulsion or termination from employment. Parents participating in prohibited bullying conduct aimed at district students and/or staff members may jeopardize their access to district facilities; district property; school sponsored activities, programs, and events; and/or district students and/or staff members through the district's communication systems. As appropriate, reports to local law enforcement will be filed to report criminal bullying behaviors. (See Policies EBC, GAAC, GAACA, JGEC, JGECA and KN)

Approved: 7/09/2018

KASB Recommendation – 6/18