



## Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10<sup>TH</sup> AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti Testimony  
Senate Committee on Education  
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Madame Chair, members of the committee, I am Mark Desetti and I represent KNEA. I thank you for the opportunity to visit with you today on Senate Bill 278.

We appear today as neutral on this bill but we are not neutral about bullying. We believe absolutely that bullying is wrong, must not be tolerated, and must be addressed swiftly and effectively. You will see that we are proponents of some parts of this bill and very concerned about others. I will attempt to make our position clear in this discussion.

First, I would like to address the issue of the strict timelines in the bill. We do not believe that the timelines as presented in this bill are a problem. Indeed, we support strict timelines for reporting, investigating, and providing remedies when it comes to bullying. Bullying behaviors should never be tolerated. Schools should be a safe place for every child - period. When behaviors interfere with learning in a school – whether we are talking about interfering with an entire class or with an individual student – it is imperative that those behaviors be stopped as quickly as possible.

The 10 school days for an investigation in the bill will put pressure on some school administrators but I would remind the committee that 10 school days is equivalent to two weeks and that the provisions of this bill allow for the report of the investigator to be amended should additional information come forward after that time. The school board is expected to consider the matter at their next regularly scheduled meeting.

The concern to us is some of the language in new section two. The bill contains many expressions that are highly subjective and could lead to employees landing in hot water because of how those words are interpreted by an individual.

Examples of particular concern would be the following:

- On page four, lines 37-38; "who has witnessed, or *has reliable information...*" What is "reliable information" and who will determine whether or not information was "reliable?"
- On page five, lines 13-15; "who *reasonably should have known* of an incident of bullying, harassment or cyberbullying and fails to take *sufficient action...*" Again, what is meant by "reasonably should have known" and who determines what is "sufficient action?" In this case in particular, if I as a parent insist that the principal should "reasonably have known" or did not take "sufficient action" then that principal may be stripped of his/her license. Such a punishment should not be tied to such subjective data.
- On page seven, lines 39-40; reference here is made to "non-verbal expressions that cause[s] another student to feel uncomfortable..." How far does one go in reporting "non-verbal expressions?" Are we talking about extending the middle finger or flashing gang signs or does this extend to glares or little children sticking out their tongues? Combined with the severity of penalties and the subjectivity of other portions of this bill, are we not setting schools and school districts up with the possibility of almost limitless reports and investigations?

On the issue of cyberbullying which is covered on page seven of the bill, we have some concern over the expansion of the section. We understand responsibility for those actions that occur at school or at school events but lines 20-21 seem to extend the school's responsibility to actions that occur anywhere at any time. What responsibility should the school have for investigating incidents that occur at private student parties or among students interacting in town on the weekend? Even when a student tells his/her teacher about an incident, how can one reasonably expect the school principal to investigate such incidents?

Page seven, lines 23-24 even suggest that the school is responsible for what students might do from their own computers at home. I don't believe that school principals should be expected to conduct investigations that demand an examination of a student's home computer or personal email account. Are such investigations not best left to law enforcement officials?

Another area of concern is new section three beginning on page five that spells out consequences. Some of the consequences enumerated are either quite costly or impossible to enforce.

For example, line 39 calls for "individualized instruction" for the offending student. At a time when budget cuts have resulted in reduced staffing, particularly in student support services such as counselors, how is it possible to provide individualized instruction that turns around a student's behavior? We would have the same concern about line 42 which calls for an "interim alternate education setting." And the suspension provisions on page six, lines 2-3 provide for long periods of suspension during which the school is still responsible for providing educational services.

Some of the consequences are simply not enforceable. We would note page six, lines 4-6 which call for fining the offender \$150 or requiring 15 hours of school or community service before coming back to school. Another is line 12 which calls for the offending student to pay restitution to the victim.

Fundamentally, we agree that school districts MUST have comprehensive bullying policies in place that include training for all staff, strict timelines for reporting and investigations, and appropriate consequences for bullies. We believe that the Department of Education could help to ensure that those policies are in place and meet certain standards.

Senate Bill 278 in its current form, however, is overreaching. It is cumbersome, costly, and likely impossible to implement due to the issues I have outlined here. It is entirely appropriate for the legislature to require that comprehensive bullying policies that include strict timelines and appropriate responses be in place. We would suggest to this committee that any amendments to the current statute be focused on that.

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