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Mark Desetti, Testimony  
House Bill 2257  
House Committee on K-12 Education Budget  
February 19, 2019

Madame Chair, members of the committee, thank you for the opportunity to appear before you on House Bill 2257.

As we noted in a hearing last week, Kansas NEA has a long history of working to help teachers and school administrators combat bullying. We would also note that there have been bullying bills in the statehouse for several years now – it is one of those perennial issues. We have supported many of those bills.

It seems to me that the problem we are dealing with today is less about the act of bullying and more about how the schools have responded to previous legislative attempts to address bullying. Most of these hearings are focused on hidden or unknown policies or the appearance – real or imagined – of a lack of response by schools when there are allegations of bullying.

It is our fundamental belief that the Kansas State Board of Education is the proper place to take this issue but we also hear and understand the frustration that is shared about how effectively the Board has dealt with this issue in the past.

In my mind, the first task that must be undertaken is to see if all districts have adopted bullying policies, if those policies spell out the district's processes to identify, investigate, and resolve bullying behaviors, and if those policies are readily available to members of the general public. My belief is that we may have failed on all those counts.

We do not stand today in opposition to HB 2257. I have worked with Tom Witt of Equality Kansas and he has willingly adjusted the bill draft to address some of the concerns we brought forward.

But we also know that some concerns remain. For example, in section 2(g)(3) there is an appeals process if someone is dissatisfied with the result of the district's investigation. As you know, we are strong believers in due process. The concern we have is that there is no specified point at which the issue is laid to rest. Is there an endless possibility of continuing appeals and investigations?

Last year, with a similar perennial issue – dyslexia – the Legislature established a task force with a specific charge and a timeline to bring recommendations to this Legislature. The Education Committees reviewed that report last week. The task force of educators, legislators, attorneys, advocates, and parents worked very hard to come up with a product on which they could unanimously agree.

Perhaps you could take the same approach to this issue. After all, you have several conflicting bills on this issue in the Legislature today. It would be your prerogative to charge such a task force with researching the actual state of district plans and the accessibility of those plans today. You could charge such a group with crafting a model

policy, with reviewing all legal issues and ensuring that the rights of all are protected. And you could ensure that school boards, administrators, teachers, parents, and advocacy organizations are all effectively represented.

We must start listening to each other and understanding that there are ideas worthy of consideration on all sides of the issue.

HB 2257 might very well be the best of the bullying bills in the statehouse right now. And I know that Tom Witt has asked for review by others – and that he did listen to those reviews at least in the case of KNEA. I just think it would be worth the effort to see if recommendations can be developed that get a unanimous YES from all the people you see here today.