

## HB 336: The Bullying Bill

### Why Johnny Can't Speak

*Or at least why he might not be able to talk about sensitive political and social issues if HB 336, the so-called "Bullying Bill," passes.*

**Summary:** HB 336, sponsored by Rep. Mary Lou Marzian, adds language to existing public school law concerning bullying, introducing terms such as cyberbullying, harassment, and intimidation. It also writes terms such as gender identity and expression into school law for the first time.

- **HB 336 is unnecessary, since the General Assembly already passed a bullying bill (HB 91 in 2008), which protects all students.**
- **The new language could result in the harassment and intimidation of students with religious and morally-based beliefs about homosexuality.**
- **While purporting to be about bullying, this bill is really about special interest politics. Schools have enough to do without having to enforce the particular agendas of special interest political groups.**

Current law on student harassment requires educational professionals to employ a "reasonable person" standard when determining what constitutes bullying. This bill strikes that language and replaces it with language that requires school administrators to determine a student's motivation in potential harassment cases. This increases the likelihood that students could be unjustly charged with bullying, a Class B misdemeanor. It also places an unreasonable burden on school administrators, who have a hard enough job without asking them to become mind readers.

Partly as a result of replacing a more objective standard with a more subjective one, and partly because the bill employs politically charged categories of students to existing law, HB 336 could result in the intimidation of students with politically incorrect opinions about sexuality. The proposed law is a recipe for politically correct speech codes in our public schools, since it prohibits "verbal ... communication ... motivated by a student's ... sexual orientation" or "gender identity."

This bill is strongly backed by the Fairness Campaign—Kentucky's most aggressive gay rights organization. Hence, and, consistent with their agenda, the bill grants gay, transgender, and cross-dressing students privileged status in the state's public school laws.

Supporters say this bill is necessary to stop bullying. They ignore the fact that a bullying bill has already been passed, and that there is no groundswell among school administrators themselves for this bill. Even Bullypolice.org—a third party organization—gives Kentucky an "A++" rating for its existing bill.

Kentucky passed a bullying bill. Now its legislators need only decide whether they want to play politics with the issue.