

Chairman and Members of the committee, my name is Brittany Jones. I am an attorney, and I am the Director of Advocacy for Family Policy Alliance of Kansas. Family Policy Alliance advocates for policies that strengthen families and religious freedom in state capitols across the country, and federally. We ally with over 40 state-based organizations, of which Family Policy Alliance of Kansas is one, to achieve a vision of a nation where families thrive, life is cherished, and religious freedom flourishes. Thank you for the opportunity to share with you how H.B. 2288 will protect the basic rights of freedom of speech and religion in the most important location—Kansas public schools.

In Kansas, the freedom to live out one's beliefs has come under assault in many places. But, where this coordinated attack is most disturbing is in our schools. H.B. 2288 will work to resolve an alarming trend we are seeing play out across the country. Special interest groups hostile toward people of faith, particularly the Wisconsin-based atheist group Freedom from Religion Foundation (FFRF), target schools, small towns, and even senior living centers—who do not typically have the financial means to defend themselves—with threatening letters, demanding that any outward expressions of faith, like prayer, be eliminated.

Several school districts in Kansas have been specifically targeted by this group, even though their coaches and players have done nothing wrong. In Weskan, FFRF sent a letter to the school district claiming its coaches were in violation of the Constitution, even though prayer was led by students and was completely voluntary. The coaches were just standing in support of their students. In order to satisfy the unconstitutional demands of FFRF, coaches are now forced to stand far away from their students, essentially being forced to flee anytime their students voluntarily express their faith.

H.B. 2288 is a common sense piece of legislation that fixes a grey area of First Amendment law in Kansas. The bill creates space for students and faculty to live out their faith without fear of punishment. Students should not be forced to hide an important part of who they are in school. Further, faculty members should not be forced to choose between their faith and their jobs.

The legal concerns with this piece of legislation stem out of a misunderstanding of the distinct bodies of law that govern issues of religious expression in public schools. The First Amendment's Establishment Clause would apply to the type of religious expression in H.B. 2288. Neither the U.S. Supreme Court nor the Tenth Circuit, both of

which are the federal appellate courts with authority over Kansas, have ever ruled that the type of student-initiated religious expression described in H.B. 2288 is a violation of the Establishment Clause. Indeed, H.B. 2288<sup>2</sup> clarifies the right of students to initiate prayer in Kansas.

Kansas should not surrender their freedoms of speech and religion to an out-of-state group that has continually demonstrated hostility toward religion, deliberate targeting of small schools, and a radical interpretation of First Amendment law. In fact, courts have consistently held that the First Amendment does not allow the government to show hostility to religion, exactly what the Freedom from Religion Foundation has been bullying schools into doing across Kansas.

This bill follows a national trend of state legislators seeking to protect students and faculty from attacks by those hostile to religion. Many states already have various types of longstanding religious expression protections for students. Just last year, Florida passed a law with similar protections for faculty as H.B. 2288, and Nebraska passed a law removing prohibitions on faculty wearing religious garb. Georgia has already introduced legislation this year with religious freedom protections for faculty.

H.B. 2288 provides an opportunity for Kansas' leaders to ensure that religious freedom doesn't end in the school parking lot—both for students and for teachers. H.B. 2288 is a constitutional, inclusive, and empowering policy that best serves our students and their families and is supported by a long line of federal court precedent upholding the right to religious expression.

I strongly urge you to pass H.B. 2288.

Thank you,

Brittany M. Jones, Esq.  
Director of Advocacy of Family Policy Alliance of Kansas