Chairwoman Williams and members of the K-12 Education Budget committee, my name is Brittany Jones. I am an attorney and the Director of Policy and Engagement for Kansas Family Voice, formerly Family Policy Alliance of Kansas.

At Kansas Family Voice we believe that children are given to parents and families, not the state. The government, schools, and even the church do not own children, though they may have a role to play in their development. Families are designed to nurture, love, educate, and prepare children to engage the world around them. In the majority of cases, the primary influencer throughout a child's life should be their parents. A parent's God given, constitutionally recognized right should especially come into play when schools are attempting to expose children to sensitive material. This sort of exposure should not happen without a parent's explicit knowledge and consent.

The Supreme Court has repeatedly affirmed the right of parents to direct the upbringing of their children. Many of these cases have centered around parent's rights as it relates with public education. The right was first recognized overtly in *Meyers v. Nebraska* and affirmed two years later in *Pierce v. Society of Sisters*.[1]

The right has also come into play specifically when dealing with a religious freedom rights of minority faiths.[2] And the newest case dealt with whether these parental rights extended to other family members in custody cases.[3] As we look at the scope of the Supreme Court's jurisprudence on parental rights, it is heavily weighted towards protecting parent's right to raise their children as they see fit and only abridged in very specific situations.

These rights are backed up by federal statutes that protect parent's rights to review records as well as statutes that require that schools give parents access to curriculum.[4] There are at least two states with similar laws and a host of others that have agencies that recognize a similar list of rights.[5] The policy being proposed today is not some radical idea, but rather fits into the paradigm that has already been created by both federal caselaw and by federal statute.

Opponents of these type of explicit protect make the same old arguments – parents don't know what's best for their children. They would prefer that children be raised by the education establishment. First, of all this runs contrary to court precedence. It also runs contrary what we know about how children function best. Parents are intended to know their children best. Parents are in the best position to

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[1] *Meyer v. Nebraska*, 262 U.S. 390 (1923), *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).
[2] *Wisconsin v. Yoder*, 406 U.S. 205 (1972).
[3] *Troxel v. Granville*, 530 U.S. 57 (2000).
[4] Family Education Rights and Privacy Act (FERPA), 34 CFR Pt. 99; Protection of pupil rights, 20 USC § 1232h.
[5] Utah Code Ann. § 53G-6-801 et seq.; Florida; Ariz. Rev. Stat. § 1-601 *et seq*., Fla. H.B. 241 (2021) (enacted).

make the best decisions for their children and children thrive when their parents are involved in their education.

The second objection is that this places too much burden on the school system. While, recognizing the need to utilize the school's resources in the best way possible so that a school's resources can be focused on educating children, it is also in the best interest of children that parents be engage in their learning experience and be informed about what their child is learning. Further, there is a recognized federal definition of instructional material that is clear that is referencing curriculum – this does not mean teachers have to submit their lessons plans.[6]

Further, the overt religious hostility that has been evidenced by opponents of various types of parental rights legislation is not acceptable under Supreme Court jurisprudence and should not be acceptable in our society. Opposition to these sorts of measure often rely on the archaic and unenforceable Blaine Amendments. Blaine amendments were instituted in many states as part of anti-Catholic bias in the 1880s. The Supreme Court has unequivocally denounced the enforcement of this sort of hostility as violating the free exercise clause.[7] Religious hostility should not, and cannot be, a reason to oppose protecting parent's rights in raising their children.

Parents are best positioned to know and raise their kids. Educational institutions can be an asset to this relationship. Recognizing and protecting the fundamental relationship between a parent and their child is vital to ensuring the stability of our society. It is backed by years of Supreme Court jurisprudence as well as federal law. For these reasons, I ask that you vote H.B. 2662 out favorably.

Thank you for your time today.

[6] 20 USC § 1232h(c)(6).

[7] *Espinoza v. Montana Department of Revenue*, 140 S. Ct. 2246 (2020).