



900 S.W. Jackson Street, Suite 600
Topeka, Kansas 66612-1212
(785) 296-3203
www.ksde.org

Janet Waugh District 1	Melanie Haas District 2	Michelle Dombrosky District 3	Ann E. Mah District 4	Jean Clifford District 5
Dr. Deena Horst District 6	Ben Jones District 7	Betty Arnold District 8	Jim Porter District 9	Jim McNiece District 10

Written Opponent Testimony

HB 2662 – Establishing the parents’ bill of rights and academic transparency act; eliminating the affirmative defense for schools to the crime of promotion of harmful materials to minors; and prohibiting teachers from being negatively evaluated for refusal to teach critical pedagogy philosophies or against sincerely held religious beliefs

Presented to the
House Committee on K – 12 Education Budget
Wednesday, February 16, 2022
By
Deena Horst and Ben Jones, Legislative Liaisons
Kansas State Board of Education

Chairwoman Williams, Vice-Chairman Hoffman, and Ranking Minority Member Winn and members of the House Committee on K – 12 Education Budget:

Thank you for allowing our input on HB 2662.

The Kansas State Board of Education strongly encourages parental involvement in their child’s education. Studies show that parent engagement starting in early childhood equals a better educational outcome for the student. Teachers have dedicated their livelihoods to preparing and continually educating themselves to teach Kansas kids in both public and private schools. Public schools are governed by locally elected board members chosen by the members of the community to oversee the operations of Kansas schools. Most members are parents themselves. Teachers are also parents and members of the community in which they teach. As a local control state, each school reflects the values and expectations of their communities in all aspects of education, including choosing curriculum.

Parents/guardians have the right to attend and participate in local school board meetings. Additionally, parents are able and encouraged to engage with their schools’ staff and building administrators through in-person meetings and school-hosted events, as well as through written and electronic communication.

Unfortunately, it appears this bill changes from being a concern of providing for the right of parents to guide their student's education to one that requires the information be placed on the internet in such a way that it would be available to anyone. Requiring internet access without districts having the ability to limit access, has the potential of interfering with parent/guardian decisions. By requiring all of the information outlined in the bill be placed on the internet, any person from anywhere can access the information. This seems to potentially open the district to criticism from all parts of the country instead of keeping the decision-making in the community and focused on decisions regarding student education by parents/guardians. Opposing groups with different focuses could potentially disrupt the focus intended to provide transparency so parents can direct the education of their student(s).

If a community member is interested in viewing the textbooks and learning materials, access to hard copies of the items would be made available. Online access to learning materials may be limited by copyright laws, therefore; many texts and materials may not be available to the community-at-large. To ensure that this statute truly relates to parental/guardian access, districts should be able to limit access to those who are parents or guardians of students in that district.

The list is so expansive that teachers will likely be the ones tasked with posting all the information not already online. Teachers today are overwhelmed. Administrators are overwhelmed. We are extremely concerned that the expectations of this bill will be one more reason for educators to leave the profession, not because they want to hide anything from parents, but because one more thing on their plate will be too much. From a teachers' point-of-view, there already isn't enough time for them to complete even the most basic tasks on a daily basis. Teachers have told us that they are exhausted and have little time to recharge.

Transparency should be a focus of all school districts to ensure that parents/guardians can always be knowledgeable of the materials and textbooks to be used in daily lesson plans for their students. It is our belief that schools are already providing this type of transparency to inform parents. Districts have policies identifying procedures that are to be followed if a parent believes any library material(s)/book(s) should be removed from the school library. To our knowledge, the Legislature has never asked how each district operates in regard to communicating with parents, so it should be recognized that simply placing a listing in statute for districts to follow doesn't inform parents. As mentioned in previous testimony, the State Board of Education and the Department of Education have offered to work with the Legislature to address education-related issues the Legislature have identified. We believe that the

majority of your concerns identified in Sections 1 and 2 can be addressed without imposing the statutory process. We urge you to amend this bill to provide for the formation of a stakeholder task force charged with developing recommendations for how districts can address the issues identified in this bill.

If HB 2662 is worked, there are additional terms we believe should be defined and an explanation as to whether it is intended to address an issue today or whether it can be extended to cover future unrelated issues. One of the terms we believe needs to have further explanation is 'racially essentialist doctrine/practice' [Page 2, lines 18-19]. Another term which we believe should be defined is 'prurient interest' [page 7, line33].

Section 4, Sub-section (c) (1) removes public, private or parochial schools from the affirmative defense for display of material, which is offensive to be in view of minors, presented to minors, etc. This is a defense that has been in place for many years. It seems that such proposed changes should be reviewed by the Judiciary Committee to ensure there are no unintended consequences caused by these changes.

In Section 5, Section (g) is language protecting teachers' religious rights under certain circumstances. An exception should be made when State Board of Education approved standards are expected to be taught.

Thank you again for the opportunity to testify regarding HB 2662.