Written, Neutral Testimony

Before the Senate Committee on Judiciary

on

SB 273 - Enacting the governmental response to certain emergencies by amending the Kansas emergency management act,

By Mark Tallman, Associate Executive Director

February 25, 2021

Madam Chair, Members of the Committee:

Thank you for the opportunity to appear today on SB 273.

As local school boards have struggled with their response to the COVID-19 pandemic over the past year, the message we have generally received from our members is the importance of local control. We appreciate that this bill would allow local school boards to make the difficult decisions to balance health and safety concerns with academic, social and emotional needs.

As a relatively new bill, we are studying the details of its impact. We are concerned about the provisions of this bill regarding appeals. School boards are used to hearing appeals from students, parents and employees and understand that is part of the governmental process, including appeal to the courts. In most cases, however, those appeals concern a school district's action regarding an individual student or employee.

This bill would set up an appeal process for decisions that, as we have seen over the past year, must balance the interests of everyone is the school district, and almost by definition with "aggrieved" people on all sides. The bill does not appear to place any limits on the number of appeals that could be made to board decisions, or how often decisions can be appealed, or a time limit. If a board changes a policy based on an appeal or court decision, that action could open another round of appeals from a different set of individuals or groups.

School board decisions around school opening or closure, masks or social distancing is already a balancing of rights and interests. The question is whether a system of appeal to the local school board and to the courts is the best way to resolve conflicts over these rights and interests.

Thank you for your consideration.