

February 22, 2023

The Honorable Molly Baumgardner, Chairperson
Senate Committee on Education
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Baumgardner:

SUBJECT: Fiscal Note for SB 255 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 255 is respectfully submitted to your committee.

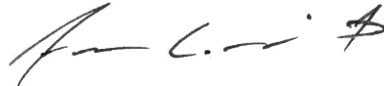
SB 255 would require each school district to adopt a policy requiring separate overnight accommodations to be provided for students of each biological sex for travel sponsored by the school district that requires overnight stays. Students who report a violation and then are subject to retaliation or other adverse action by a school district or its employees would have a private cause of action for injunctive relief, damages, and other available relief which would have a two-year statute of limitations. Prevailing students would be entitled to monetary damages, including psychological, emotional, and physical harm suffered, reasonable attorney fees, and other appropriate relief.

The term “biological sex” would be defined by reproductive potential or capacity without regard to a student’s psychological, chosen, or subjective experience of gender. School district sponsored travel would include travel sponsored by a school in the school district organized by any school club, through communication facilitated by the school, and through fundraising activities conducted by school district employees or on school property.

The Department of Education indicates the enactment of SB 255 would have a negligible fiscal effect on school districts. The Office of Judicial Administration states that the bill has the potential for increasing litigation in the courts. If it does, the agency indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise; therefore, a fiscal effect cannot be estimated. In any case, the fiscal effect would most likely be accommodated within the existing schedule of

court cases and would not require additional resources. The agency also indicates that the bill could result in the collection of docket fees in those cases filed, which would be deposited to the State General Fund. Any fiscal effect associated with SB 255 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Craig Neuenswander, Department of Education