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## Written Opposition Testimony

Presented to the  
Senate Judiciary Committee  
Monday, March 7, 2022

By  
Deena Horst and Ben Jones, Legislative Liaisons  
Kansas State Board of Education

Chairwoman Warren, Vice Chairman Wilborn, and Ranking Minority Member Haley:

Thank you for the opportunity to express our thoughts regarding SB 541.

The Kansas State Board of Education strongly supports locally elected boards of education to manage the daily operations of their school. This authority is granted to them by the people of Kansas in Article VI of the Kansas State Constitution. We have several concerns in various sections of the bill that pertain to local school board authority and expertise.

Overall, SB 541 contradicts itself and creates a potential conflict of laws. In sections 3 and 4, the Legislature seeks to strip locally-elected school boards from setting their own pandemic-mitigation policies and practices. In section 7, SB 541 reiterates the authority of the locally-elected school board to be the only entity with the authority to act, issue orders, or adopt policies in response to a contagious or infectious disease. The Kansas State Board of Education agrees with the sentiment of K.S.A. 48-925c, as amended by Sec. 7, and recommends striking Sec. 4. As we have seen across Kansas these last several months, residents of school districts hold their locally-elected school boards accountable for the policies they adopt. There is no reason for such legislative oversight into local matters.

Sec. 4 provides a medical and religious exemption to masking rules. It is our belief that individuals, regardless if they are a student, staff or visitor, should be able to provide documentation that he or she cannot wear a mask because of medical conditions as verified by a physician. If the reason is for religious reasons, the person should be required to validate that wearing a mask would violate a sincerely held religious belief. The bill's suggested masking exemptions are too open-ended and would allow claims to be made with a personal signature.

Additionally, we are concerned how this would impact school districts with buildings on military bases which currently have masking rules. Do these provisions apply to a building where the rules are set by a federal entity instead of a state entity?

**'Such actions do not apply to nonpublic schools and may not exceed 30 days unless renewed or modified.'** Once again, private schools are not held to the same statutes as are public schools. Parents at private schools don't have the same ability to challenge the decision made by a private school. It seems like parents should have the same opportunity to challenge a private school's decision as does a public school parent.

Finally, the proposed changes to Section 15 are redundant, unnecessary, and are actually more difficult to understand than the current law. Under the current law, any parent can provide a written statement that the child's religious teachings are opposed to tests or inoculations. There is no requirement under the current law that such religious beliefs must be sincerely held, nor is there an ability for schools to inquire into the sincerity of such beliefs. The rest of the proposed new language assumes that schools would ever require a vaccination that has not received final approval by the federal food and drug administration. This is flawed for three reasons: The Kansas Department for Health and Environment only requires vaccinations that have received such final approval, that agency could only make such a requirement by legislative action, and schools have no statutory or regulatory authority to impose such a requirement themselves. Therefore, we ask that Section 15 be struck from the bill.

Thank you for the opportunity to express our concerns and thoughts regarding SB 541.