



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**

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Oral Testimony in Opposition before the

House Education Committee

on

HB 2288 - Creating the Kansas Student and Educator Freedom of Religious Speech Act

by

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear in opposition to **HB 2288**, creating the Kansas Student and Educator Freedom of Religious Speech Act.

KASB's opposition to HB 2288 is based on a number of factors:

All Kansas public schools are subject to the United States and Kansas Constitutions, which protect the free exercise of religion and freedom of speech. Most of the provisions of HB 2288 have long been settled by the United States Supreme Court and if enacted would doubtless be challenged by a number of advocacy groups.

In addition to the legal protections afforded religion and free speech under the federal and state constitutions, Kansas schools are also covered by the federal Equal Access Act, which allows students to meet before or after school for religious clubs and other activities. Schools are usually very flexible in regard to student religious speech unless that speech becomes disruptive or is likely to trigger federal civil rights or bullying complaints.

The right to freedom of religion has also consistently been legally interpreted as freedom *from* religion in state-sponsored arenas such as the public schools. Public-school students and teachers are therefore protected from being *required* to be exposed to disruptive religious speech during the school day. Violations of that protection from the promotion of religion, however well-meaning, give rise to numerous First Amendment challenges each year in the nation's public schools. KASB fears HB 2288 will prompt even more First Amendment challenges:

-*Student-led* prayer in public schools has consistently been protected by the U.S. Supreme Court. HB 2288's provision allowing staff involvement in student-led prayer may lead to additional complaints from students and parents that a child's rights are being trespassed upon. School employees are expected to act as role models, and parents become upset if they feel an adult is attempting to convert impressionable young students to their religion.

-Designating a limited open forum at all school events at which a student may publicly speak will also likely result in a significant increase in legal complaints about promotion of religion. KASB advises public school districts to have "closed forums" during the school day because that is when schools focus on their primary job of instruction and preparing students for the real world.

KASB would like to recommend to the committee “A Parent’s Guide to Religion in the Public Schools” by the National PTA and First Amendment Center. Another resource is, “Religion in Public Schools: 7 Religious Things You Can Still Do.” I’ve brought copies of those documents today for committee members.

Because of the concerns noted above, KASB stands in opposition to HB 2288. I will be happy to stand for questions at the appropriate time.