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February 21, 2019

**Written Testimony to House Education Committee**

**Honorable Chair, Representative Steve Huebert**

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Room 286-N, State Capitol Building

**Respectfully, oppose [House Bill 2288](#) – Creating the KS student and educator freedom of religious speech act.**

Hearing: Thursday, February 21, 2019, 1:30 PM Room 218-N

Honorable Chairman Huebert and Committee Members,

Thank you for the opportunity to provide written testimony on House Bill 2288. As we have noted previously, the Kansas Parent Teacher Association (PTA) is a non-partisan, volunteer organization, whose mission is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children. Our members vote annually to approve a legislative platform that is used guide our interactions with the work of federal, state and local policymakers.

School speech, or student's first amendment speech rights and the nature of those freedoms within the context of the public-school setting have been protected via *Tinker* since 1969. According to this ruling, students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The test for free speech, known as the *substantial disruption* test, to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. SB 2288 is at best redundant and more likely to be incredibly problematic in its' implementation. Could a student not argue that all activity during the school day is nonreligious activity or expression, to which they would be free to engage in unrelated and potentially disruptive religious activity? "With the bill, a student may pray or engage in religious activities or religious expression before, during and after the school day in the same manner and to the same extent that other students may engage in nonreligious activities or expression".<sup>1</sup>

Kansas PTA members want all students to be welcoming in their schools and to feel comfortable in their classrooms. Like other *freedom of religion* policy initiatives, HB 2288 can create a license to bully and intimidate, if not outright discriminate. The Kansas PTA respects the rights of all students and educators, not just some. In alignment with legislative Priority 11, Kansas PTA does not support a bill that would potentially undermine "programming and policies including the protection of children from gun violence, bullying prevention, and safe routes to school."<sup>2</sup>

Kansas PTA is also opposed to unfunded mandates. While reference in the bill's fiscal note indicates that "HB 2288 would have no fiscal effect on state aid to school districts." The fiscal note also states that "any implementation costs for the bill would be borne by local school districts."<sup>1</sup> In alignment with legislative Priority 1, Kansas PTA "supports efforts to strengthen and improve the Kansas public school finance system,

which includes legislation and policies that: b.) pursue solutions to fully fund state and federal educational mandates..., without disproportionately shifting the burden to local communities.”<sup>2</sup>

Again and more importantly, the Kansas PTA respectfully asks that the 2019 Kansas legislature prioritize school finance this session. We urge a timely resolution of the Gannon school finance lawsuit, accounting for inflation through an appropriate increase to base state aid. We ask that committee members support school finance bills that reflect the State Board of Education recommendations and are in keeping with the State's own argument to return to good standing under the *Montoy Safe Harbor*. The Governor's budget proposal accounts for this level of funding, and the plaintiffs have signaled conditional approval. For the past ten years, parents and educators alike have been asking the legislature to fulfill their constitutional obligation to our children's educational needs and the future of our state. Please make the school finance inflation fix your education policy priority this session. Parents will once again be able to rely on the state's investment in public education and to bank on the school doors being open each fall. Our district leaders and teachers will be in a better position to engage in long-term planning and to better optimize their use of finite resources.

Again, we respectfully oppose HB 2288 in its current form and urge the legislature to prioritize a school finance bill first. Thank you for your time and consideration.

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Cc: Lauri DeNooy, President-Elect  
Brian Hogsett, VP of Advocacy  
Devin Wilson, State Legislative Chair  
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#### ***THE PTA POSITION***

*Kansas PTA is a [nonpartisan](#) association that promotes the welfare of children and youth. The PTA does not endorse any candidate or political party. Rather, we advocate for policies and legislation that affect Kansas youth in alignment with our legislative platform and priorities. [PTA mission and purpose](#) have remained the same since our inception over 100 years ago, focused on facilitating every child's potential and empowering families and communities to advocate for all children.*

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<sup>1</sup> HB2288 Fiscal Note. [http://kslegislature.org/li/b2019\\_20/measures/documents/fisc\\_note\\_hb2288\\_00\\_0000.pdf](http://kslegislature.org/li/b2019_20/measures/documents/fisc_note_hb2288_00_0000.pdf)

<sup>2</sup> KS PTA Legislative Platform (2018-2019) [http://www.kansas-pta-legislative.org/sites/default/files/2018KsPTALegPriorities\\_0.pdf](http://www.kansas-pta-legislative.org/sites/default/files/2018KsPTALegPriorities_0.pdf) ; see also our KS PTA Guiding Principles for a School Finance Formula (2016) [http://www.kansas-pta.org/files/documents/KsPTASchFinPosition2016\\_Final.pdf](http://www.kansas-pta.org/files/documents/KsPTASchFinPosition2016_Final.pdf)