

February 19, 2019

The Honorable Steve Huebert, Chairperson
House Committee on Education
Statehouse, Room 286-N
Topeka, Kansas 66612

Dear Representative Huebert:

SUBJECT: Fiscal Note for HB 2288 by Representative Erickson, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2288 is respectfully submitted to your committee.

HB 2288 would create the Kansas Student and Educator Freedom of Religious Speech Act. A school district could not discriminate against any student or any parent or legal guardian of a student on the basis of a religious viewpoint or religious expression. A school district would be required to treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject. The district could not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

The bill would allow a student to express beliefs about religion in any coursework, artwork or other written or oral assignment free from discrimination based on the religious content of the submission. All assignments, including any assignment that requires a student to express a viewpoint, would be required to be judged by ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework, artwork or other assignment, and against other legitimate pedagogical concerns identified by the school district. A student could not be penalized or rewarded on the basis of religious content or a religious viewpoint.

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. Students may organize prayer groups, religious clubs or other religious gatherings before, during and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups are to be provided the same access to school facilities for assembling as is

provided to other noncurricular groups without discrimination based on the religious content of the students' expression. A school district could not discriminate against groups that meet for prayer or other religious speech with respect to advertising of announcements of meetings. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

The bill would allow a student to wear clothing, accessories and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories and jewelry that display messages or symbols are permitted.

To ensure that a school district does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint and to eliminate any actual or perceived affirmative school sponsorship or attribution to the school district of a student's expression of a religious viewpoint, the board of education of each school district would be required to establish a limited public forum for student speakers at all school events at which a student is to publicly speak.

The bill would state that student expression on an otherwise permissible subject could not be excluded from the limited public forum because the subject is expressed from a religious viewpoint. The board of education of each school district would be required to adopt and implement policies regarding the establishment of a limited public forum and voluntary student expression of religious viewpoints. If a board of education would adopt the model policy outlined in the bill, the school district would be considered to be in compliance with the provisions of the bill.

According to the Department of Education, enactment of HB 2288 would have no fiscal effect on state aid to school districts. Any implementation costs for the bill would be borne by local school districts.

Sincerely,

A handwritten signature in cursive script that reads "L. Campbell". The signature is written in dark ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the Budget

cc: Dale Dennis, Education