

Substitute for HOUSE BILL No. 2662

By Committee on K-12 Education Budget

2-21

1 AN ACT concerning education; relating to schools and school districts;
2 establishing the parents' bill of rights and academic transparency act;
3 affirming certain parental rights relating to the education and
4 upbringing of a child; requiring school districts to adopt policies to
5 promote transparency and parental involvement in a child's education;
6 requiring each school district to establish an academic transparency
7 portal on the school district's website to provide information on
8 learning materials and activities in each school; prohibiting teachers
9 from being negatively evaluated for refusal to teach through critical
10 pedagogy philosophies or against sincerely held religious beliefs;
11 establishing requirements for the administration of certain nonacademic
12 tests, questionnaires, surveys and examinations; amending K.S.A. 72-
13 2410 and 72-6316 and repealing the existing sections.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) Sections 1 through 3, and amendments thereto,
17 shall be known and may be cited as the parents' bill of rights and academic
18 transparency act.

19 (b) The legislature finds that a quality education is central to a child's
20 development and long-term success in life and that a parent has a right to
21 direct the upbringing, education and care of the parent's child. The
22 legislature further finds that a parent shall have the right to retain the
23 primary role in a child's education, to obtain critical information about
24 what is being taught or provided in the classroom and to take action when
25 a parent feels that the quality or content of a child's education does not
26 align with the values and expectations the parent expects and deserves.

27 (c) Every parent of a child in this state shall have a fundamental right
28 to direct the upbringing, education, care and mental health of the parent's
29 child. The following parental rights are reserved to each parent of a child
30 in this state:

- 31 (1) The right to direct the education and care of such child;
- 32 (2) the right to direct the upbringing and the moral or religious
33 training of such child;
- 34 (3) the right to request, access and inspect all written and electronic
35 records maintained by a school relating to such child;
- 36 (4) the right to be informed of and inspect the curriculum,

1 instructional materials and any other materials that are made available or
2 taught to such child in the child's school;

3 (5) the right to attend publicly designated meetings of the local school
4 board and the right to question and address school officials during
5 designated public comment periods or through letters, electronic
6 communications or in-person meetings;

7 (6) the right to make healthcare and medical decisions for such child,
8 including the right to make decisions regarding vaccinations and
9 immunizations;

10 (7) the right to expect that such child, and each teacher and educator
11 of such child, shall not be compelled to affirm, believe, profess or adhere
12 to any idea that violates the civil rights act of 1964;

13 (8) the right to expect that no course of instruction or unit of study
14 shall direct or otherwise compel the child to personally affirm, adopt or
15 adhere to any idea that violates the civil rights act of 1964;

16 (9) the right to expect that the child's school shall not contract for
17 teacher professional development with providers that promote racially
18 essentialist doctrines or practices that have been held to violate the civil
19 rights act of 1964;

20 (10) the right to expect that each teacher and educator of such child
21 will endeavor to present facts without distortion, bias or personal
22 prejudice;

23 (11) the right to expect that each teacher and educator of such child
24 shall work to eliminate coercion that forces teachers and educators to
25 support actions and ideologies that violate individual professional
26 integrity; and

27 (12) the right to assert any other inalienable or constitutional right
28 that is reserved to the parent and the child pursuant to state or federal law.

29 (d) On or before January 1, 2023, the board of education of each
30 school district shall develop and adopt policies to guarantee a parent's right
31 to be involved in a child's education. Such policies shall be developed in
32 consultation with parents, teachers and school administrators and shall
33 include policies and procedures for a parent to:

34 (1) Be informed through the parent transparency portal or other
35 means of notification and have the ability to inspect any materials,
36 activities, curriculum, lessons, syllabi, surveys, tests, questionnaires,
37 examinations, books, magazines, handouts, professional development and
38 training materials and any other materials or activities that are anticipated
39 to be used for instruction;

40 (2) inspect and review any educational or health records maintained
41 by the school that pertain to the parent's child;

42 (3) have an opportunity to object to any learning material or activity
43 on the basis that such material or activity harms the child or impairs the

1 parent's firmly held beliefs, values or principles and withdraw such child
2 from the activity, class or program in which the material is used;

3 (4) have an opportunity to request that the school designate any book,
4 magazine or any other material that is made available to students in the
5 school library as an item for which parental review is recommended as
6 provided in section 2, and amendments thereto. Such policies and
7 procedures shall require consideration of each such request and if a request
8 is upheld, such book, magazine or other material shall be designated in
9 accordance with the provisions of section 2, and amendments thereto; and

10 (5) have an opportunity to challenge the material or educational
11 benefit of any book, magazine or any other material available to students
12 in the school library. Such policies and procedures shall require
13 consideration of each such challenge and if a challenge is upheld, such
14 book, magazine or material shall be removed from the school.

15 New Sec. 2. (a) On or before July 1, 2023, the board of education of
16 each school district shall establish an internet-based transparency tool
17 titled the parent transparency portal on such school district's website with a
18 link to such parent transparency portal prominently displayed on the
19 website homepage of the school district and on each website homepage of
20 each school of the school district that maintains a school website. Each
21 school district's parent transparency portal shall provide the following
22 information to the public:

23 (1) The parents' bill of rights established pursuant to section 1, and
24 amendments thereto;

25 (2) a list organized by school, grade level and area of instruction that
26 includes the academic learning materials, activities and curriculum used
27 for student instruction at any school of the school district. Such list shall
28 include the title, author, organization, website address and any other
29 information that is necessary for the identification of such materials,
30 activities and curriculum;

31 (3) a link to the curriculum standards established by the state board of
32 education shall be associated with each applicable grade level and subject
33 matter;

34 (4) (A) a list organized by school, grade level and area of instruction
35 that includes the social and emotional learning materials, activities and
36 curriculum used for student instruction at any school of the school district.
37 Such list shall include the title, author, organization, website address and
38 any other information that is necessary for the identification of such
39 materials, activities and curriculum; and

40 (B) a list organized by school, grade level and area of instruction that
41 includes the following information for each nonacademic test,
42 questionnaire, survey and examination referred to in K.S.A. 72-6316, and
43 amendments thereto, that is administered in any school of the school

1 district:

- 2 (i) A copy of each test, questionnaire, survey or examination;
3 (ii) the name of the company or entity that produces or provides the
4 test, questionnaire, survey or examination;
5 (iii) an explanation of the purposes of the data collection, how the
6 collected data is intended to be used and whether the data will remain
7 private or reported as aggregate data;
8 (iv) an explanation of how such test, questionnaire, survey or
9 examination benefits student learning and academic achievement; and
10 (v) an explanation of whether the school district will receive or
11 maintain the resulting data and an explanation of how the school intends to
12 use and maintain such data;
- 13 (5) a list organized by school, grade level and area of instruction, if
14 applicable, that includes the professional development courses, training
15 materials and related activities that were provided or offered to any
16 licensed teacher or administrator of the school district. Such list shall
17 include the title, author, organization, website address and any other
18 information that is necessary for the identification of the courses, materials
19 and activities;
- 20 (6) a link to the catalog or a list of the documented inventory of the
21 resources available to students in each school library. Such link or catalog
22 shall clearly provide whether any book, magazine or other material is an
23 item that is designated that parental review is recommended or has been
24 placed on the books under review list in accordance with subsection (b).
25 Each library catalog or inventory provided on the parent transparency
26 portal shall indicate next to the title of the book, magazine or other
27 material whether a designation of parental review is recommended is due
28 to sexual content, excessive profanity or excessive violence and shall
29 provide a sample of the material that necessitates such designation;
- 30 (7) information and guidance on how a person may request and be
31 given the opportunity to review and inspect any of the materials, activities
32 and information that is required to be listed or referenced on the school
33 district's parent transparency portal. Such information and guidance shall
34 include a point of contact at the school district and at each school for the
35 purpose of making a request to review materials, activities and information
36 pursuant to this section; and
- 37 (8) the school district's policies adopted pursuant to section 1(d), and
38 amendments thereto, that provide for parental involvement in a child's
39 education.
- 40 (b) (1) Any book, magazine or other material that is made available to
41 students in a school library shall be designated by the school district as an
42 item for which parental review is recommended if such item is requested
43 to be designated as an item in which parental review is recommended

1 pursuant to the policies adopted pursuant to section 1, and amendments
2 thereto, and such item meets the criteria for the designation that parental
3 review is recommended. Designations shall be made in accordance with
4 the requirements of this subsection. Any book, magazine or other material
5 that is requested to be designated as an item in which parental review is
6 recommended pursuant to the policies adopted pursuant to section 1, and
7 amendments thereto, shall be placed on a list titled books under review
8 while such request is considered. Such books under review list shall be
9 included on the parent transparency portal. If there is doubt regarding
10 whether a book, magazine or other material is requested to be designated
11 as an item in which parental review is recommended pursuant to the
12 policies adopted pursuant to section 1, and amendments thereto, and such
13 item meets the criteria for a parental review is recommended designation,
14 school districts shall resolve such doubt in favor of designating the item so
15 that parents may make informed decisions regarding the use of such item.

16 (2) On and after July 1, 2022, a school district that purchases or
17 obtains any new books, magazines or other materials for availability in a
18 school library shall establish a process to designate any such items that
19 meet the criteria for a parental review is recommended designation prior to
20 making any such books, magazines or other materials available to students
21 in the school library.

22 (3) Pursuant to a school district's policies adopted under section 1,
23 and amendments thereto, upon a parent's request for a school district to
24 have an item designated as one in which parental review is recommended,
25 a school district shall cause such designation to be made unless the item is
26 unequivocally not deserving of such designation.

27 (c) This section shall not be construed as requiring a school district to
28 violate the copyright, trademark or other intellectual property right of the
29 creator or owner of any material referred to in this section.

30 (d) Each school district shall post any learning materials, activities,
31 curriculum and any other information required to be listed or provided
32 pursuant to this section prior to the first day of school if such school
33 district knows that such materials, activities, curriculum or information
34 will be used during the upcoming school year. For any learning materials,
35 activities, curriculum or other materials that are not listed or provided on
36 the parent transparency portal at the beginning of the school year, each
37 school district shall cause any such materials, activities, curriculum or
38 information to be listed or provided on an ongoing weekly and monthly
39 basis during the school year as such materials, activities, curriculum or
40 information is presented or provided to students. For the purpose of
41 making ongoing weekly and monthly updates, a school district may use
42 collaborative online document or spreadsheet software that allows multiple
43 users to update or make additions to content on an ongoing basis as long as

1 the contents of such online document or spreadsheet is made available on
2 the parent transparency portal.

3 (e) All such information that is required to be listed or provided on
4 the parent transparency portal in a school year shall be finalized and
5 completed by June 30 of such school year. All such information shall be
6 maintained for not less than two school years following the school year in
7 which such information was provided on the parent transparency portal.

8 (f) The state department of education may provide guidance and
9 assistance to school districts regarding the establishment and maintenance
10 of such transparency portals.

11 (g) The attorney general, the city, county or district attorney or a
12 resident of the school district in which the school is located may bring an
13 action for injunctive relief or a writ of mandamus to compel the school
14 district to comply with this section. If a resident of the school district
15 prevails in any such action, the court shall award to the resident reasonable
16 attorney fees not to exceed \$15,000.

17 New Sec. 3. As used in sections 1 through 3, and amendments
18 thereto:

19 (a) "Activities" means any assemblies, guest lecturers, presentations
20 or other educational events in which participation of the student body is
21 required or a majority of students in a given grade level participate that is
22 facilitated by the school or school district, including those conducted by
23 outside individuals or organizations. "Activities" does not include student
24 presentations or teacher lesson plans.

25 (b) "Learning materials" means instructional content that is provided
26 to students, regardless of format, including, but not limited to, textbooks,
27 reading materials, curriculum, syllabi, course calendars, teacher manuals,
28 outlines, handouts, presentations, videos, audio and digital materials,
29 websites and other online applications and any other material that is used
30 for student instruction. "Learning materials" does not include academic
31 assessments or tests, a teacher's individual lesson plans or plans or
32 materials that are specific to an individual student, such as an
33 individualized education plan, an individual plan of study or a 504 plan.

34 (c) "Parent" means a parent, guardian, custodian or other person who
35 has authority to act on behalf of a child.

36 (d) "Parental review is recommended" means any book, magazine,
37 newspaper, pamphlet, poster, print, picture, figure, image, description,
38 motion picture, film, record, video or any other written communication
39 that:

40 (1) (A) The average person applying contemporary community
41 standards would find, taking the material as a whole and with respect to
42 minors, is designed to appeal or pander to the prurient interest;

43 (B) depicts, describes or represents, in a manner patently offensive

1 with respect to what is suitable to minors, an actual or simulated sexual act
2 or sexual contact or a lewd exhibition of the genitals or post-pubescent
3 female breast; and

4 (C) whether the work taken as a whole lacks serious literary,
5 scientific, artistic or political value for minors;

6 (2) contains excessive profanity; or

7 (3) contains excessive violence.

8 (e) "Used for student instruction" means any material or activity that
9 is assigned, distributed or otherwise presented to students in any course for
10 which students receive academic credit or in any educational capacity in
11 which participation of the student body is promoted or required by the
12 school or in which a majority of students in a given grade level participate.

13 Sec. 4. K.S.A. 72-2410 is hereby amended to read as follows: 72-
14 2410. Evaluation policies adopted under K.S.A. 72-2409, and amendments
15 thereto, shall meet the following guidelines or criteria:

16 (a) Consideration shall be given to the following employee attributes:
17 Efficiency, personal qualities, professional deportment, ability, results and
18 performance, including improvement in the academic performance of
19 pupils or students insofar as the evaluated employee has authority to cause
20 such academic improvement, in the case of teachers, the capacity to
21 maintain control of pupils or students; and such other matters as may be
22 deemed material.

23 (b) Community attitudes toward, support for and expectations with
24 regard to educational programs shall be reflected.

25 (c) The original policy and amendments thereto shall be developed by
26 the board in cooperation with the persons responsible for making
27 evaluations and the persons who are to be evaluated, and, to the extent
28 practicable, consideration shall be given to comment and suggestions from
29 other community interests.

30 (d) Evaluations of the chief administrator employed by a board shall
31 be made by the board. The board shall place primary responsibility upon
32 members of the administrative staff in making evaluations of other
33 employees.

34 (e) Persons to be evaluated shall participate in their evaluations; and
35 shall be afforded the opportunity for self-evaluation.

36 (f) The contract of any person subject to evaluation shall not be
37 nonrenewed on the basis of incompetence unless an evaluation of such
38 person has been made prior to notice of nonrenewal of the contract and
39 unless the evaluation is in substantial compliance with the board's policy
40 of personnel evaluation procedure as filed with the state board in
41 accordance with the provisions of K.S.A. 72-2409, and amendments
42 thereto.

43 (g) *A person subject to evaluation who refuses to teach through*

1 *critical pedagogy philosophies or against such person's sincerely held*
2 *religious beliefs shall not be negatively evaluated or have such person's*
3 *contract be nonrenewed on the basis of such refusal.*

4 Sec. 5. K.S.A. 72-6316 is hereby amended to read as follows: 72-
5 6316. (a) No test, questionnaire, survey or examination containing any
6 questions about the student's personal *and private attitudes, values, beliefs*
7 *or practices on issues such as sex, family life, morality or religion, or any*
8 *questions about the student's parents' or guardians' beliefs and practices on*
9 *issues such as sex, family life, morality or religion, of the student or the*
10 *student's parents, guardians, family members, associates, friends or peers*
11 shall be administered to any student enrolled in kindergarten or grades one
12 through 12, unless the parent or guardian of the student:

13 (1) Is notified in writing *not more than four months in advance of the*
14 *administration of such test, questionnaire, survey or examination that this*
15 *such test, questionnaire, survey or examination is to be administered and*
16 *the parent or guardian of the student. Such notification shall include:*

17 (A) *A copy of the test, questionnaire, survey or examination that is to*
18 *be administered;*

19 (B) *information on how the parent or guardian may provide written*
20 *consent to authorize the student to take such test, questionnaire, survey or*
21 *examination;*

22 (C) *the name of the company or entity that produces or provides the*
23 *test, questionnaire, survey or examination to the school;*

24 (D) *an explanation of the purpose of the data collection, how the*
25 *collected data is intended to be used and whether the data will remain*
26 *private or reported as aggregate data;*

27 (E) *an explanation of how such test, questionnaire, survey or*
28 *examination benefits student learning and academic achievement; and*

29 (F) *whether the school will receive or maintain the resulting data and*
30 *an explanation of how the school intends to use and maintain such data;*
31 *and*

32 (2) ~~gives written permission for consent through a written or~~
33 ~~electronic signature to authorize the student to take this the test,~~
34 ~~questionnaire, survey or examination. This section shall not prohibit~~
35 ~~school counselors from providing counseling services to a student,~~
36 ~~including the administration of tests and forms which are part of a~~
37 ~~counselor's student counseling services. Any information obtained through~~
38 ~~such tests or counseling services shall not be stored on any personal~~
39 ~~mobile electronic device which is not owned by the school district,~~
40 ~~including but not limited to, laptops, tablets, phones, flash drives, external~~
41 ~~hard drives or virtual servers. Such written consent may only be accepted~~
42 ~~after a parent or guardian has received the notification required pursuant~~
43 ~~to paragraph (1) and had an opportunity to review the information~~

1 contained in such notification. Written consent shall be provided
2 separately for each individual test, questionnaire, survey or examination
3 that is to be administered.

4 (b) Notwithstanding a parent or guardian's written consent for a
5 student to take any such test, questionnaire, survey or examination, a
6 student shall have the right to refuse to take such test, questionnaire,
7 survey or examination at any time without limitation. Prior to the
8 administration of any such test, questionnaire, survey or examination,
9 each student shall be informed that such student has the right to refuse to
10 take such test, questionnaire, survey or examination and that the student
11 will not suffer any adverse consequences based on such refusal.

12 (c) Prior to the administration of any such test, questionnaire, survey
13 or examination, a school district shall post and maintain a copy of each
14 test, questionnaire, survey or examination on the school district website
15 until such time that the test, questionnaire, survey or examination is:

16 (1) No longer administered by the school district; or

17 (2) administered again at a later date or in a subsequent school year
18 and at which time, the school district shall update the website to provide
19 the current version that is to be administered by the school.

20 (d) No such test, questionnaire, survey or examination shall be
21 incorporated or embedded in any academic program, course or
22 curriculum offered or provided by a school district.

23 (e) No personally identifiable student data shall be collected through
24 any such test, questionnaire, survey or examination.

25 Sec. 6. K.S.A. 72-2410 and 72-6316 are hereby repealed.

26 Sec. 7. This act shall take effect and be in force from and after its
27 publication in the statute book.