



Neutral Testimony before the  
Senate Committee on Education

On

**SB 496 - Establishing the parents' bill of rights**

by

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Thank you for the opportunity to present testimony on **SB 496**. Our members support the absolutely critical goal of involving and supporting parents in education. We have endorsed the Kansas Can goals and school redesign principles, one of which is to build stronger partnerships with parents. Every time we survey school board members, we find that most are parents, grandparents or parents of former students themselves. They are neighbors with, work with, shop with, go to games with and go to church with parents.

Why do we appear neutral on this bill? We do this because just about everything in the bill is aspirational and already covered by current law and/or addressed in policies that KASB recommends to our members. As a result, we do not think the bill is necessary. However, we do not think it is particularly harmful, although there are a few areas that could raise concerns.

With the assistance of our legal staff, we have attached a list of the provisions of the bill, with our analysis. We would encourage you to review these items to determine if clarifications or amendments are needed.

Thank you for your consideration.

<p><b>Legislative finding of parent rights in education</b>  Subsection (b) of the bill states: “The legislature finds that a quality education is central to a child’s development and long-term success in life and that a parent has a right to direct the upbringing, education and care of the parent’s child. The legislature further finds that a parent shall have the right to play a central role in a child’s education, to obtain critical information about what is being taught or provided in the classroom and to take action when a parent feels that the quality or content of a child’s education does not align with the values and expectations the parent expects and deserves.”</p>	<p>These initial statements are mostly aspirational statements of ideals and a restatement of rights that parents already have through the Family Educational Rights and Privacy Act, the Kansas Open Records Act, and the Kansas Student Data Privacy Act. K.S.A. 38-141 also already provides that parents retain the fundamental right to exercise primary control over the care and upbringing of children in their charge.</p> <p>KASB agrees with and supports the central role parents play in a child’s education.</p>
<p><b>Specific rights stated in the bill</b>  Subsection (c) states that “Every parent of a child in this state shall have a fundamental right to direct the upbringing, education, care and mental health of the parent’s child,” and enumerates the following parental rights are reserved to each parent of a child in this state:</p> <ul style="list-style-type: none"> <li>(1) The right to direct the education and care of such child;</li> <li>(2) the right to direct the upbringing and the moral or religious training of such child;</li> <li>(3) the right to request, access and inspect all written and electronic records maintained by a school relating to such child;</li> <li>(4) the right to be informed of and inspect the curriculum, instructional materials and any other materials that are made available or taught to such child in the child’s school;</li> <li>(5) the right to attend publicly designated meetings of the local school board and the right to question and address school officials during designated public comment periods or through letters, electronic communications or in-person meetings;</li> <li>(6) the right to make healthcare and medical decisions for such child, including the right to make decisions regarding vaccinations and immunizations;</li> <li>(7) the right to expect that such child, and each teacher and educator of such child, shall not be</li> </ul>	<p>Of the 12 enumerated rights, only three appear to be out of step with current practices or the law.</p> <p>(1) and (2) are already covered in K.S.A. 38-141. K.S.A 72-3120(f) also allows parents to opt out of their child participating in activities that would be contrary to religious teachings of a child.</p> <p>(3) is acceptable in nearly all cases and codified in Kansas and federal law already but conflicts with certain provisions concerning child abuse and child in need of care reporting under K.S.A. 38-2209.</p> <p>(4) is also already covered by Kansas law having to do with open records.</p> <p>(5) is already covered in the Kansas Open Meetings Act. While, public comment is not a requirement outside a legal hearing setting, most boards allow it. In order to conduct the business of the board, maintaining some limits to allow the board to limit comment is necessary. It should be noted that the boards must be limited in answering some questions that have to do with legally protected information. For example, discussing individual non-elected personnel in open session of a board meeting raises privacy issues for school staff.</p> <p>(6) appears to allow parents to exempt students from all present immunization requirements,</p>

<p>compelled to affirm, believe, profess or adhere to any idea that violates the civil rights act of 1964;</p> <p>(8) the right to expect that no course of instruction or unit of study shall direct or otherwise compel the child to personally affirm, adopt or adhere to any idea that violates the civil rights act of 1964;</p> <p>(9) the right to expect that the child's school shall not contract for teacher professional development with providers that promote racially essentialist doctrines or practices that have been held to violate the civil rights act of 1964;</p> <p>(10) the right to expect that each teacher and educator of such child will endeavor to present facts without distortion, bias or personal prejudice;</p> <p>(11) the right to expect that each teacher and educator of such child shall work to eliminate coercion that forces teachers and educators to support actions and ideologies that violate individual professional integrity; and</p> <p>(12) the right to assert any other inalienable or constitutional right that is reserved to the parent and the child pursuant to state or federal law.</p>	<p>independent of whether a religious exception is at play. State law already allows exemptions from vaccination requirements for religious and medical reasons. However, school officials rarely, if ever, play a role in investigating religious exceptions.</p> <p>(10) and (11) are vague and will lead to arguments about interpretation. This is especially true if parents have different interpretations about what is best for their children.</p>
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<p><b>Required school board policies</b></p> <p>Subsection (d) of the bill directs the board of education of each school district to develop and adopt policies to guarantee a parent's right to be involved in a child's education. Such policies shall be developed in consultation with parents, teachers and school administrators.</p> <p>The following policies and procedures must allow parents to:</p> <p>(1) Be informed of and have the ability to inspect any materials, activities, curriculum, lessons, syllabi, surveys, tests, questionnaires, examinations, books, magazines, handouts, professional development and training materials and any other materials or activities that are required to be posted and included on the parent transparency portal of each school district;</p>	<p>Many of these rights already exist in board policy recommended by KASB. Policy IF addresses textbooks, instructional materials and media centers and provides a procedure for challenge and review of all such materials. Student surveys on these topics are governed by the Federal Pupil Rights Act Amendment. Similarly, the Kansas Student Data Privacy Act and the federal Protection of Pupil Rights Act allow parents access to survey information. Similarly, records are available through a Kansas Open Records Act request, the Kansas Student Data Privacy Act, and the Family Educational Rights and Privacy Act.</p>
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(2) inspect and review any educational or health records maintained by the school that pertain to the parent's child;

(3) object to any learning material or activity on the basis that such material or activity harms the child or impairs the parent's firmly held beliefs, values or principles and withdraw such child from the activity, class or program in which the material is used; and

(4) challenge the material or educational benefit of any book, magazine or any other material available to students in the school library such that a successful challenge results in the removal of the book, magazine or material from the school.