



**TESTIMONY OF MICAH W. KUBIC
EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS
(WRITTEN TESTIMONY ONLY)
IN OPPOSITION TO HB 2199
KANSAS HOUSE COMMITTEE ON EDUCATION
FEBRUARY 17, 2015**

Although we are not able to be present for today's hearing, the American Civil Liberties Union (ACLU) of Kansas is grateful to the committee for affording us this opportunity to provide written testimony in opposition to HB 2199.

The ACLU of Kansas is a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas.

This bill would require students and their parents to give their consent in writing prior to students receiving any instruction, information, or educational materials related to human sexuality and sexual health. As a result, the bill would represent a dramatic reversal of the current system, from one where parents who object to the sharing of sexual health information can "opt out" to one where any parent who wishes their child to receive age-appropriate information must "opt in." Such a dramatic reversal would have serious and harmful consequences for Kansas children and youth, parents, and schools.

- **Protecting the health of children and youth in Kansas should be paramount, and would not be well-served by dramatically changing the current system.** The education that would be impacted by HB 2199 can help students to make responsible, healthy, and potentially life-saving decisions. Young people should have a right to receive age-appropriate sexual health education that will allow them to make informed decisions. By requiring parents to opt their children in, the chances increase dramatically that a student will not receive the kind of information they need to protect their health as they mature. State government should be removing barriers to the protection of the health and well-being of young people, not creating new ones.
- **Parents already have significant control over the information and education received by their children.** Under the current system, parents and other responsible adults are involved in the process. Parents have the right to elect for their children not to receive age-appropriate information and education about human sexuality.
- **The current method of securing parental involvement is widely used by other states, and adopting a written consent approach would make Kansas an outlier.** Just 3 other states currently require written consent from parents prior to a student receiving human sexuality education; in all other cases, policy-makers have determined that the "opt-out" method is the one that best serves the health and wellness of students.

- **HB 2199 would create significant administrative challenges for schools, school staff, and parents.** HB 2199 would create an entirely separate standard for health education, fundamentally different than that of every other type of course offered to students. That creates significant burdens for schools, who could find themselves in non-compliance through simple mistakes or oversights. Parents, too, would be burdened with additional administrative tasks related to granting consent.

We urge you to oppose HB 2199 on these grounds.