

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2299

As Amended by House Committee on Education

Brief*

HB 2299, as amended, would create law prohibiting religious discrimination and antisemitism in public educational institutions and amend the Kansas Act Against Discrimination (Act) to prohibit antisemitism. The bill also would authorize the Kansas Attorney General to investigate violations and enforce the provisions of the bill and the Act.

Public Educational Institutions (New Section 1)

Prohibition on Religious Discrimination and Antisemitism

The bill would declare as state policy that public educational institutions that receive and expend tax dollars are prohibited from engaging in practices or implementing policies that discriminate or cause prejudice on the basis of religion or promote or tolerate antisemitism or antisemitic acts.

The bill would state that the prohibition is not to be construed to prohibit any coursework that is dedicated to the education and study of world religions or cultures in public educational institutions.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Complaints

The bill would allow a person, or the parent or guardian of a person under 18 years of age, aggrieved by a violation of the prohibition on religious discrimination and antisemitism to file a complaint with the Attorney General.

Investigations

The bill would authorize the Attorney General to investigate any complaint received, and during the course of the investigation, the Attorney General would be permitted to:

- Subpoena witnesses, evidence, records, documents, and other material related to the complaint;
- Take testimony under oath;
- Examine or cause to be examined any records or other material that is relevant to the complaint;
- Require a person to attend any proceeding and provide testimony under oath regarding any material that is relevant to the complaint;
- Serve interrogatories; and
- Administer oaths and affirmations.

Requirements for subpoenas and interrogatories.

The bill would require service for any subpoena or interrogatory issued by the Attorney General to be made by certified mail, return receipt requested, to the last known place of business or residence or in a manner provided by the Code of Civil Procedure.

Intentional refusal to respond. If a person intentionally refuses to respond to a subpoena, interrogatory, or other request made by the Attorney General, the bill would permit the Attorney General, after notice, to file a petition with the appropriate district court for a hearing. The bill would provide that if a court finds the person is required to respond, the court may:

- Issue an order requiring the person to respond to the subpoena, interrogatory, or request; or
- Hold the person in contempt until the person responds to the subpoena, interrogatory, or request.

Civil Penalty

If, after investigating a complaint, the Attorney General finds by a preponderance of the evidence that a public educational institution violated the prohibition on religious discrimination and antisemitism, the bill would require the Attorney General to assess a civil penalty against the public educational institution in an amount not to exceed \$10,000 per violation. The bill would direct any civil penalty recovered under this provision to be deposited into the State General Fund.

The bill would allow a public educational institution to appeal an assessed civil penalty in accordance with the Kansas Judicial Review Act.

Definitions

The bill would define the following terms:

- “Antisemitism” or “antisemitic” would mean the same as defined by the International Holocaust Remembrance Alliance’s (IHRA) working definition of antisemitism, including the contemporary

examples, as in effect on May 26, 2016, and would include:

- Encouraging, supporting, praising, participating in, or threatening violence or vandalism against Jewish people or property;
 - Wearing masks to conceal a person's identity with the intent to harass or discriminate against Jewish students, faculty, or employees on school property; and
 - Incorporating or allowing funding of antisemitic curriculum or activities in any domestic or study abroad programs or classes; and
- "Public educational institution" would mean any elementary or secondary school operated by a unified public school district under state law, a community college established under state law, Washburn University, Washburn Institute of Technology, a technical college established under state law, or an institution supervised by the Board of Regents.

Kansas Act Against Discrimination (Sections 2–4)

The bill would amend the Act to declare it would be state policy that:

- Public institutions that receive and expend tax dollars are prohibited from engaging in practices or implementing policies that are antisemitic or otherwise promote antisemitism;
- No person shall be required to participate in programming or training that promotes or degrades any one religion; and
- Governmental entities are prohibited from enacting policies that promote or degrade any one religion.

Functions, Powers, and Duties of the Kansas Human Rights Commission

The bill would authorize the Kansas Human Rights Commission (Commission) to refer complaints to the Attorney General for review, investigation, and initiation of legal proceedings.

Complaints and Investigations by Attorney General

Under continuing provisions of the Act, the Attorney General may make, sign, and file a complaint whenever there is sufficient reason to believe that any person has engaged in a practice of discrimination, segregation, or separation in violation of the Act. The bill would authorize the Attorney General to investigate the alleged unlawful employment practice or unlawful discriminatory practice. During such investigation, the bill would authorize the Attorney General to:

- Subpoena witnesses, evidence, records, documents, and other material related to the complaint;
- Take testimony under oath;
- Examine or cause to be examined any records or other material that is relevant to the complaint;
- Require a person to attend any proceeding and provide testimony under oath regarding any material that is relevant to the complaint;
- Serve interrogatories; and
- Administer oaths and affirmations.

The bill would further authorize the Attorney General to file a petition in the district court where the alleged unlawful employment practice or unlawful discriminatory practice occurred, seeking damages in amount not to exceed \$10,000 per violation.

Damages for Pain, Suffering, and Humiliation

The bill would increase the limit on the amount of damages that may be awarded for pain, suffering, and humiliation which are incidental to the act of discrimination from \$2,000 to \$10,000.

Background

The bill was introduced by the House Committee on Education at the request of Representative Estes.

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by the Kansas Attorney General, representatives of Combat Antisemitism Movement and Jewish Community Relations Bureau|AJC, and two private citizens. The proponents generally stated the bill would help address religious discrimination and antisemitism on public campuses, and students shared their experiences with antisemitism on campuses. The conferees also shared statistics about the increase in antisemitic incidents in recent years.

Written-only proponent testimony was provided by two private citizens.

Opponent testimony was provided by representatives of Al-Hadaf KC, Kansas Association of School Boards, and Kansas National Educational Association and six private citizens. Opponents expressed concerns about the definition of “antisemitism” being linked to the IHRA working definition and suggested alternative definitions.

Written-only opponent testimony was provided by a representative of the ACLU of Kansas and 35 private citizens.

Neutral testimony was provided by the Executive Director of the Commission and a private citizen.

No other testimony was provided.

The House Committee amended the bill to restore continuing provisions of the Act regarding unlawful employment practices and unlawful discriminatory practices.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (Office) indicates enactment of the bill could have a fiscal effect on the Judicial Branch operations because the bill would allow the Attorney General to file a petition with the district court for a hearing and would allow for appeals to be filed, which could increase the number of cases filed in the district court and result in more time spent by court employees and judges processing and deciding cases. The Office indicates enactment of the bill could result in the collection of docket fees and civil penalties assessed in those cases filed under the bill’s provisions, which would be credited to the State General Fund. However, a fiscal effect cannot be estimated.

The Office of the Attorney General states enactment of the bill would require additional expenditures of \$158,284 in FY 2026 and \$166,198 in FY 2027 from the State General Fund, along with an additional 1.50 FTE positions for both fiscal years to handle cases associated with the bill. Of the FY 2026 amount, \$127,791 would be for salaries and wages for the additional positions and \$30,493 would be for other operating expenditures.

The Commission indicates the bill's enactment would have a fiscal effect on the operations of the agency; however, the Commission does not have enough information to estimate what that effect would be.

The Kansas Department of Education states the bill's enactment would not have a fiscal effect on agency operations. The Board of Regents states the enactment of the bill would not have a fiscal effect on the operations of the agency or any Kansas postsecondary educational institution.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Education; discrimination; antisemitism; Kansas Act Against Discrimination; Kansas Attorney General; Kansas Human Rights Commission