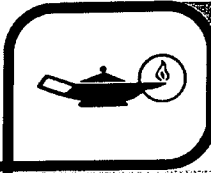


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Testimony before the
Senate Committee on Education
on

SB 104 – Kansas Children’s Internet Protection Act
by

Mark Tallman, Association Executive Director, Kansas Association of School Boards
February 13, 2013

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony on **SB 104**. We are neutral on this bill. Because the federal Children’s Internet Protection Act already provides incentives for schools to take measures to restrict kids’ access to items online that would be harmful to them, we do not believe this bill will have a major impact on either student access to harmful materials or school district operations.

It would be preferable that the language didn’t use “ensure that no minor has access”, because, although many of our members already take measures and have filters and blocks, there’s likely no certainty that we can protect them from all pop-ups online. **SB 104** (d) provides that the USDs would not be liable for any damages arising out of a minor gaining access to images if districts are in compliance, but, where “ensure” is used, our measures technically would not be in compliance if a student could somehow gain access. Note that the federal law simply requires that we take measures to “protect against” such harmful material, but it does not imply that it is either possible or required to prevent all access that may be incidentally available despite our districts’ efforts.

Under the federal law, “minor” is defined differently, also. We want to make sure that we don’t have the requirement of two policies for the same purpose under federal and state law, with entirely different thresholds and requirements.

We believe most, if not all, school boards have adopted a CIPA policy to retain the option of discounts on E-rate funding, etc. However, it is important to keep in mind that none of this is presently required. KASB recommends these policies in the sample language we provide to boards. We would be happy to provide the committee with our sample KASB policy, safety plan, technology plan, and an FAQ that was circulated to many schools before the new July 1, 2012, requirement of CIPA plan adoptions took effect following this memo.

Thank you for your consideration.