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## Written Opposition Testimony

### SB 235 - Requiring school districts to provide for a full-time, in-person attendance option

Presented to the Senate Education Committee

Thursday, Feb. 25, 2021

By

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Kansas State Board of Education

Madam Chairperson Baumgardner, Vice Chairperson Erickson, Ranking Minority Member Sykes and Committee Members:

SB 235 requires on and after March 26, 2021, for school year 2020-2021 and each subsequent school year, each school district in the state would be required to provide a full-time in-person attendance option for every student enrolled in kindergarten through 12<sup>th</sup> grade.

The topic of SB 235 deals with a subject which has been the subject of much discussion held by the State Board of Education. We acknowledge that students generally learn best when they are participating in in-person education. In fact, the group of medical professionals who have been advising the State Board of Education, beginning with the development of the **Navigating Change** document, have provided advice that all students should be back in school full time and in person. They have partnered that advice with guidance that students participating in highly at-risk sports be regularly tested. **Navigating Next** is designed to guide schools back to in-person, full-time classes for middle and high school students.

We do believe that local school board members are ultimately responsible for making such decisions. Our guidance includes having students on-site all day, but districts are responsible for how they deliver the education they offer. They know their staff and their availability of substitutes. In a survey conducted in October, over 80 percent of school districts were meeting in person K-12. Most, if not all, have their elementary schools open for full-time, in-person learning. The larger school districts have largely been holding hybrid classes for middle and high school students, smaller districts have been full time and in person.

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The Pandemic has given schools options to use when there is a reason that it is unwise to hold in-person classes. School districts now have platforms that allow them to continue student learning despite snow, flu outbreaks, natural disasters etc. SB 235 requires in-person learning even when it is unwise. The new flexibility schools have gained is taken from them with the language of SB 235. There were several schools that didn't have school open during the cold weather issues last week, but some of the districts called for remote learning days so students were still experiencing classes instead of likely playing video games and/or watching TV all day. Do we really want to take from elected local school board members, the ability to make decisions the majority of members believe is best for their students?

We have no argument with the premise that most students learn best in person and the bulk of learning certainly should be acquired in that manner, but we do question substituting legislators' ideas for the realities which local boards of education are experiencing or will experience. There are many potential scenarios which are best dealt with by local officials rather than by a 'one size fits all' designation. [When Ben and I voted to allow local school board members to determine their schools' starting date rather than the date selected by the Governor, we were concerned that the Governor was treating every school district the same whether or not it was appropriate. We also knew that local boards of education had the Constitutional right and responsibility for making the decision that was best for the students in their district. DHorst BJones]

Local school board members are elected and they are responsible to their constituency. If they make decisions that do not serve their people well, their constituency has the power of the ballot box to remove them from office just as they do every elected official.

Hopefully, if this bill moves forward, it will be changed in a way to ensure that elected local boards of education can still make decisions which are best for their communities, with guidance, without being relegated to a one-size-fits-all dictate. In fact, it seems a bit ironic, that when we agree with the dictate, we tend to say, yea; yet, when we disagreed with an earlier dictate, we were ready to fight for the right of local boards of education to make the decision. Even though the same elected body is involved, their decision-making abilities seem to be suddenly in question.

We urge you to do as we did at the beginning of the school year, recognize the ability of those elected school board members to make decisions which are best for the students and staff within their districts. Since you are a constituent in one of the districts, hopefully, the board of education members in that district have each heard of your agreement/frustration with their decisions.

Thank you again for considering our thoughts regarding SB 235.