

February 24, 2022

The Honorable Molly Baumgardner, Chairperson
Senate Committee on Education
Statehouse, Room 144-S
Topeka, Kansas 66612

Dear Senator Baumgardner:

SUBJECT: Fiscal Note for SB 515 by Senate Committee on Assessment and Taxation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 515 is respectfully submitted to your committee.

SB 515 would prohibit any school district, school, teacher, or administrator from teaching, instructing, or making the following concepts a part of any course of instruction, curriculum, instructional program, or supplemental instruction:

1. A particular race, ethnicity, or sex is inherently superior or inferior to another;
2. Individuals, by virtue of race, ethnicity or sex are inherently privileged, racist, sexist, or oppressive, whether knowingly or unknowingly;
3. Individuals by virtue of race, ethnicity, or sex bear responsibility for actions committed in the past by members of the same race, ethnicity, or sex;
4. Individuals should feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race or sex;
5. Meritocracy or other traits are racist or sexist or were created by members of a particular race, ethnicity, or sex for the purpose of oppressing members of another race or sex;
6. The United States or Kansas is fundamentally or irredeemably racist or sexist;
7. Promoting or advocating the violent overthrow of the United States government;
8. Promoting division between or resentment of a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
9. Ascribing character traits, values, moral or ethical codes, privileges or beliefs to a race or sex or to an individual because of the individual's race or sex;

10. The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
11. All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; or
12. Government should deny to any person within the government's jurisdiction the equal protection of the law.

However, the bill would allow a school district, school, teacher, or administrator to teach, instruct, or make the following concepts part of any course of instruction, curriculum, instructional program, or supplemental instruction:

1. The history of an ethnic group;
2. The impartial discussion of controversial aspects of history;
3. The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or
4. Relevant historical documents.

If a violation to the bill's provision were to be alleged by a current student, parent (or guardian), or an employee of a school district, the bill would allow a complaint to be filed with the school district on a form determined by the Department of Education within 30 days of the alleged violation. Within 60 days of a complaint being filed, and with a completed investigation of the complaint, the school district would send the written determination to the complainant and any individual alleged to have made the violation. The Department of Education may extend the 60-day deadline if exceptional circumstances exist and would notify the complainant in writing if this occurs.

If the investigation substantiates the alleged violation, remedial action would be required by the school district; however, any remedial action could not be taken within 15 days after the written determination is issued. Remedial action could include the amendment of the course of instruction, curriculum, instructional program, or supplemental instructional materials or disciplinary action against the violator. The bill would encourage collaborative resolution with accusers and alleged violators. The bill would outline an appeal process to the Department of Education.

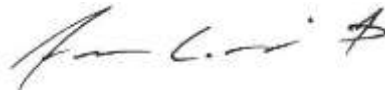
If the Commissioner of Education would determine that a school district knowingly violated provisions of the bill, the school district would be required to enter a corrective action plan with the Department and would have State Foundation Aid payments withheld until the requirements of the corrective action plan have been met. The amounts of State Foundation Aid to be withheld would be specified in the bill and would increase each year for five succeeding years until requirements of the corrective action plan are met.

The State Board of Education would be required to review all policies, guidelines, best practices, webpages, and other materials produced by the Department of Education to identify

those that promote inherently divisive concepts, including concepts or ideas related to Critical Race Theory (CRT). Anything identified as CRT would be required to be removed. The State Board of Education and local boards of education would be required to provide comprehensive education of world history, United States history, and Kansas history without the influence of inherently divisive concepts, including CRT. Each school district would be required to make all learning materials used in the classroom available to members of the public. School districts would be required to adopt policies to ensure open access to all learning materials and address any concerns or complaints regarding open access in a timely manner.

According to the Department of Education, the enactment of the bill would require additional administrative staff time by the agency; however, any costs would be negligible. The bill would also have administrative costs for school districts; however, the costs cannot be estimated and would depend on the number of alleged violations and complaints filed.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Craig Neuenswander, Education