

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2236

As Amended by Senate Committee on
Education

Brief*

HB 2236, as amended, would state that a parent has a right to direct the education, upbringing, and moral or religious training of their children. The bill would also direct local boards of education to adopt policies and procedures to guarantee the free exercise of these rights and establish a means by which a parent could remove their child from a lesson or class based upon objections to the course material.

The bill would define the following terms:

- “Activities” would include any presentation, assembly, lecture, or other event facilitated by a school or school district;
 - The term would not include student presentations;
- “Educational materials” would include, but not be limited to, curriculum, textbooks, reading materials, videos, digital materials, websites, online applications, and other material given or provided to a student for instruction; and
- “Parent” would mean a parent, legal guardian, or custodian who has authority to act on behalf of a child.

The bill would allow parents to object to any educational materials or activities at a school district their child attends

*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 <http://www.kslegislature.org>

and withdraw the student from the class or programming if the educational material or activity meets one of the following criteria:

- Is not included in the approved district curriculum or state educational standards; or
- Impairs the parent's sincerely held beliefs, values, or principles.

The bill would state that the academic record of any student withdrawn from the class, educational program, or activity based upon the criteria in the bill could not be adversely affected by the student's withdrawal.

The bill would also state that exemptions from required instruction that would be granted by the bill would not excuse a student from the responsibility of completing comparable alternative assignments offered to obtain credit in the course, total semester hours required for attendance, or required courses for graduation by any such withdrawal from a class or educational program pursuant to the bill.

The bill would specify that when appropriate, a student who is excused from an assignment or activity could remain in the classroom, or a placement would be provided to provide the student instructional support.

The bill also would require all local boards of education to adopt policies and procedures to guarantee a parent's free exercise of the rights established by the bill; such policies and procedures would include provisions for the implementation of the bill.

Background

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

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Policy Institute and a private citizen who is a parent and homeschool educator. The proponents generally stated the bill is needed to better address the concerns of parents about the content of curriculum and educational materials presented to their children. Written-only proponent testimony was provided by representatives of the Kansas Catholic Conference, Kansas Family Voice, and three private citizens.

Opponent testimony was provided by representatives of the Kansas Association of School Boards, Kansas National Education Association, and United School Administrators of Kansas. The opponents generally stated the bill was too broad and could allow for students to opt out of low performing classes or assignments. The opponents also stated the issue should be left to local school boards, some of whom have independently chosen to adopt parents bill of rights' policies. Written-only opponent testimony was provided by the Kansas PTA, State Board of Education, League of Women Voters Kansas, and two private citizens.

Written-only neutral testimony was provided by a representative of Kansas Interfaith Action.

The House Committee amended the bill by replacing a reference to an educational material or activity that harms the student to instead describe an educational material or activity that is not included in approved district curriculum or state educational standards.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Kansas Family Voice and a private citizen who is a member of the Lansing School Board. Written-only proponent testimony was provided by

representatives of the Kansas Catholic Conference and the Kansas Policy Institute. The proponents generally stated the bill would affirm the natural right of parents to direct the education of their children, which includes the right to object to certain curriculum.

Opponent testimony was provided by representatives of the Kansas Association of School Boards, Kansas National Education Association, Kansas PTA, and United School Administrators of Kansas, as well as a private citizen. Written-only opponent testimony was provided by representatives of the Shawnee Mission School District, Kansas State Board of Education, Game on for Kansas Schools, American Federation of Teachers – Kansas, and American Atheists, as well as two private citizens. The opponents expressed general concerns that not only would students be able to opt-out of required assignments without alternative work, but that students would be able to withdraw from classes without repercussion to their academic records. [*Note:* The Senate Committee amended the bill by adding language that would require a student who is exempted from instruction to complete comparable alternative assignments.] Opponents also stated that the bill would hinder the academic success of all students.

The Senate Committee amended the bill to include language to clarify that a student who is exempted from required instruction would not be excused from comparable alternative assignments or activities and that the student should remain in the classroom when appropriate.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, any fiscal effect would occur only for school districts and would be negligible.

Education; parents; rights; school districts; children; educational materials and activities; policies and procedures