

February 15, 2022

The Honorable Kristey Williams, Chairperson
House Committee on K-12 Education Budget
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Representative Williams:

SUBJECT: Fiscal Note for HB 2662 by House Committee on K-12 Education Budget

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2662 is respectfully submitted to your committee.

HB 2662 would establish the Parents' Bill of Rights and Academic Transparency Act. The bill would provide that every parent in the state would have the right to direct the upbringing, education, care, and mental health of a parent's child, including the right to:

1. Direct the education and care of a child;
2. Direct the upbringing and moral or religious training of a child;
3. Request, access and inspect all written and electronic records maintained by a school relating to a child;
4. Be informed of and inspect curriculum, instructional materials and other materials made available to be taught to a child;
5. Attend public meetings of a school board and have the right to question and address school officials during public comment periods or through letters, electronic communications, or in-person meetings;
6. Make healthcare decisions for a child, including the right to make decisions regarding vaccinations and immunizations;
7. Expect that a child, each teacher, and educator of a child, cannot be compelled to affirm, believe, profess, or adhere to any idea that violates the Civil Rights Act of 1964;
8. Expect that no course of instruction would direct or compel a child to personally affirm, adopt or adhere to any idea that violates the Civil Rights Act of 1964;

9. Expect that a child's school would not contract for teacher professional development with providers that promote racially essentialist doctrines or practices that have been held to violate the Civil Rights Act of 1964;
10. Expect that each teacher and educator of a child endeavors to present facts without distortion, bias, or personal prejudice;
11. Expect each teacher and educator will work to eliminate coercion that forces teachers to support actions and ideologies that violate individual professional integrity; and
12. Expect the right to assert any other inalienable or constitutional right that is reserved to the parent and a child pursuant to state or federal law.

Each school district would be required to develop and adopt policies to guarantee a parent's right to be involved in a child's education. The policies would be developed in consultation with parents, teachers, and school administrators and would include policies and procedures for parents to:

1. Be informed of and have the ability to inspect any materials, activities, curriculum, lessons, syllabi, surveys, tests, questionnaires, examinations, books, magazines, handouts, professional development and training materials, and any other materials that are to be posted on the Parent Transparency Portal of each school district;
2. Inspect and review any educational or health records maintained by the school pertaining to the parent's child;
3. Object to any learning material or activity on the basis that such material or activity harms the child or impairs the parent's firmly held beliefs, values, or principles and have the ability to withdraw a child from the activity, class, or program in which objectionable material is used;
4. Request that the school designate any book, magazine, or other material available to students in the school library as an item available for parental review and is available in the newly created Parent Transparency Portal; and
5. Challenge the material or educational benefit of any book, magazine, or other material available to students in the school library so that a successful challenge results in the removal of the material.

Each school district would be required to establish an internet-based transparency tool titled as the "Parent Transparency Portal" prominently displayed on the district website homepage and on the website homepage of each school in the district that maintains a website. The Parent Transparency Portal would be required to include:

1. The Parent's Bill of Rights established by the bill;
2. A list organized by school, grade level, and area of instruction that includes all learning materials used for student instruction;

3. A link to the curriculum standards established by the State Board of Education that is associated with each applicable grade level and subject matter;
4. A list organized by school, grade level and area of instruction that includes specific information for each test, questionnaire, survey, and examination administered in any school of the school district;
5. A list organized by school, grade level and area of instruction that includes the professional development courses, training material, and related activities provided or offered to any licensed teacher or administrator or the district;
6. A link to the catalog or list of documented inventory of the resources available to students in each school library and provide whether any book, magazine or other material is an item designated that parental review is recommended due to sexual content, excessive profanity or excessive violence and shall provide a sample of the material that necessitates such designation;
7. Information and guidance on how a person may request and be given the opportunity to review and inspect any materials provided in the portal; and
8. The school district's adopted policies that provide for parental involvement in a child's education.

Any book made available to students in the school library would be designated as an item for which parental review is recommended. A school district would be required to conduct a review of each book, magazine, or other material offered in a school library that was purchased on or after July 1, 2017, to determine if it necessitates a designation for parental review recommended. Books purchased or obtained prior to July 1, 2017, are not required to be reviewed, but the school district would designate any items that are known by the school district as items that meet the criteria for a parental review.

On and after July 1, 2022, new books, magazines, or other materials for the school library would designate any items that meet the criteria for parental review. Upon a parent's request for a school district to have an item designated as one which parental review is recommended; a school district would cause a designation to be made unless the item is unequivocally not deserving of such designation. Each school district would be required to post and update information required on an ongoing basis each school year. All information on the Parent Transparency Portal would be updated, posted, and completed by June 30 of each school year. The information would be maintained for not less than two school years following the school year that such information was provided.

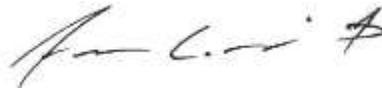
The Department of Education may provide guidance and assistance to school districts regarding the establishment and maintenance of any transparency records. The Attorney General, the city, county, or district attorney or a resident of the school district may bring an action for injunctive relief or writ of mandamus to compel the school district to comply with the bill. If the resident of a school district prevails in a related action, the court would award the resident reasonable attorney fees not to exceed \$15,000.

Finally, the bill would state that “a person subject to evaluation (by a school board) who refuses to teach through critical pedagogy philosophies against such person’s sincerely held religious beliefs shall not be negatively evaluated or have such person’s contract be nonrenewed on the basis of such refusal.”

The Department of Education indicates the enactment of HB 2662 would have no fiscal effect on state aid to school districts. The bill would have negligible administrative costs for the agency. However, the bill would have significant administrative costs for school districts, likely costing millions of dollars to develop the Parent Transparency Portal and to review each book, magazine, or other material offered in a school library; however, the costs for each individual school districts would vary and cannot be estimated.

HB 2662 has the potential for increasing litigation in the courts because of the new violation created by the bill. If it does, there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. As a result, a fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2662 is not reflected in *The FY 2023 Governor’s Budget Report*.

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