



Written only opponent testimony on

HB 2803

Creating the Kansas gun rights preservation act to prohibit the commandeering of state resources to enforce federal gun control against law-abiding citizens

By

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In

House Federal and State Affairs Committee

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Chair Carpenter and Members of the Committee,

Thank you for the opportunity to share school district concerns on HB 2803. Through its member adopted Permanent Policies, KASB's member districts have expressed that "suitable funding" for public schools includes "provid[ing] the resources necessary to: 1. Meet state and federal law, state accreditation standards and other relevant regulations." KASB's permanent policies also voice support for full federal funding of all programs that federal law requires districts to implement.

KASB has significant concerns about the specific application of HB 2803 to school districts and the local agencies with which they partner (e.g., local police departments, county sheriffs). As a condition of receiving federal education funding, federal law mandates that states require that students who bring a firearm to school or possess a firearm at school be expelled for a period of

not less than a year.¹ It would not be possible for school districts to comply with this federal law and protect their federal funding, if HB 2803 were to become law.

Further, this Hobson's choice of violating federal law to comply with state law would equally expose school districts' staff and school districts' local law enforcement partners to the substantial risk of crippling civil penalties. These law enforcement partners, such as school resource officers, are part of the team that school districts rely upon to respond to safety threats in our schools and are the first responders to firearms incidents in schools. HB 2803 is broadly written and could potentially impose significant civil liability on districts and their law enforcement partners for, e.g., enforcing federal law on gun-free schools or gun-free school zones, or even for using security measures to prevent the entry of guns into school buildings.

We foresee that the bill would put school districts in the impossible position of having to weigh the potentially crippling financial consequences of violating the proposed state law with the serious and possibly deadly safety concerns of *not* enforcing these laws, or the potentially crippling financial consequences for districts of violating federal law and losing federal funding. The primary focus of district staff and community partners should be on doing what districts can to keep students safe, and HB 2803 would interfere with districts' and communities' ability to do this work well.

Thank you for the opportunity to provide input on HB 2803. For the reasons stated above, we respectfully ask the committee to decline to advance this bill, with respect to public schools and the agencies and individuals with whom they work to ensure student safety, in its current form.

KASB is a non-profit service organization built on an abiding belief in Kansas public schools. We have put the needs of students and K-12 leaders first since 1917.

¹ Gun-Free Schools Act, 20 USC 7961("Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing."); *see also* Gun-Free School Zones Act, 18 USD 922(q) ("It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.").