Oral Opponent Testimony on
SB 350, school-issued devices
Senate Education Committee

By
Leah Fliter
Assistant Executive Director of Advocacy

Kansas Association of School Boards
lfliter@kasb.org

March 3, 2026

Madam Chair and Members of the Committee,

KASB is a nonprofit professional membership organization representing over 330 local boards of education, special education interlocals, and boards of trustees of community colleges and technical colleges across Kansas. KASB's more than 2000 locally elected board members are committed to strong local governance and accountability in public education.

KASB supports student safety, responsible technology use, and strong family engagement. However, SB 350 conflicts with Kansas law, undermines local board authority, and creates significant compliance risks under multiple federal education and student-privacy statutes. For these reasons, KASB respectfully opposes SB 350.

Conflict With Kansas Law and KASB Policy on Local Control

Kansas law places management and operational decisions—including instructional tools and technology—under the authority of locally elected boards of education, subject to general supervision by the State Board of Education. Device deployment and classroom technology use are operational and instructional decisions historically governed through locally adopted board policy.

SB 350 replaces this framework with state-mandated, grade-specific device restrictions and opt-out requirements, eliminating boards' discretion to respond to:

- Local instructional models
- Student accommodations
- Community expectations

This is a direct intrusion into local governance, contrary to Kansas's long-standing allocation of authority.

KASB's member-adopted permanent policies state:

"The system of local and state control of public education by boards is superior to other forms of central or national control."

SB 350 contradicts this foundational principle by statutorily micromanaging classroom tools, while leaving boards accountable for outcomes they no longer control.

Federal Law Conflicts and Compliance Risks Created by SB 350

The Family Educational Rights and Privacy Act (FERPA) governs access to and disclosure of student education records, including data generated, stored, or transmitted through school-issued devices (20 U.S.C. § 1232g; 34 C.F.R. Part 99).

Federal guidance confirms that:

- Digital records and metadata generated by educational technology can constitute education records
- Districts must maintain controlled access, disclosure limits, and uniform procedures

SB 350's mandatory opt-out framework risks creating inconsistent, student-by-student access rules, undermining districts' ability to apply FERPA uniformly and increasing the risk of unauthorized disclosure or denial of access. Districts that fail to comply with FERPA risk loss of federal funding.

The Children's Online Privacy Protection Act (COPPA) governs collection and use of personal information from children under 13. Federal Trade Commission guidance allows schools to provide consent on behalf of parents for educational technology used solely for educational purposes.

SB 350's mandated parental opt-out:

- Undermines the school-consent model recognized by federal guidance
- Forces districts into individualized consent tracking beyond what COPPA requires
- Increases the risk of inadvertent noncompliance by staff

Recent federal updates emphasize that uncertainty around consent increases administrative burden and discourages safe, educational use of technology, rather than improving privacy protections.

CIPA and E-Rate

Kansas districts rely on E-Rate funding, which requires compliance with the Children's Internet Protection Act (CIPA). CIPA requires districts to:

- Adopt an Internet safety policy
- Implement filtering and monitoring measures
- Educate students about appropriate online behavior

Critically, federal law leaves implementation decisions to local school boards.

SB 350 substitutes legislative mandates for board-approved policies, creating uncertainty about:

- Whether districts can maintain consistent CIPA compliance
- Whether opt-outs compromise required monitoring and filtering systems

Loss of E-Rate eligibility would have significant fiscal consequences for Kansas districts.

IDEA and Section 504 Compliance Risks

For students with disabilities, school-issued devices are often required accommodations under:

- The Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act

SB 350's blanket device restrictions and opt-out provisions risk:

- Interfering with IEP-mandated services
- Creating unequal access to instructional tools
- Exposing districts to claims of denial of a free appropriate public education (FAPE)

Federal disability law requires individualized determinations, not statutory prohibitions.

Unfunded Mandates and Increased Liability

SB 350 imposes new compliance obligations without funding for:

- Policy redevelopment
- Device reconfiguration
- Consent administration
- Staff training

KASB policy consistently opposes unfunded mandates that divert resources from instruction and increase liability exposure without improving student outcomes.

Conclusion

SB 350, though well-intentioned, conflicts with Kansas law, violates KASB's core principles of local control, and creates serious compliance risks under FERPA, COPPA, CIPA, IDEA, and Section 504. Kansas school boards are already addressing device use through locally accountable, federally compliant policies.

For these reasons, KASB respectfully requests that the committee reject SB 350.

Thank you.

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.

Kansas Association of School Boards

6342 SW 21st St., Topeka, KS 66615 | Phone: (785) 273-3600