

Opponent Testimony for HB 2719
House Education Committee
By Linda Highland
February 19, 2024

Thank you, Chairman Thomas and Education Committee Members, for this opportunity to speak in opposition of HB 2719 which extends the notification time to parents from 4 months to 6 months for schools to show surveys, tests, questionnaires, and examinations given during the school day that contain questions about the personal and private attitudes, values, beliefs or practices of the student or the student's family. Parents must then give written notification if their child is allowed to be subjected to such questioning. Students must be informed that they have the right to decline to take behavioral tests and not suffer any adverse consequences for the decision. **I am in support of the Student Data Privacy Act as amended in 2022, when the above changes were made requiring parents to be shown behavioral testing and give their written permission before such exams are administered to their children.** This measure brought transparency, instead of expecting parents to give permission without knowing for what they were giving the permission.

This new insertion in the bill (below), “. . . is intended to screen a student to identify whether such student is at risk for social emotional behavior problems . . .,” totally reverses the intent of the Student Data Privacy statute and takes away ALL parental notification. It does not identify what screener will be used. I ask that lines 25 to 42 be stricken from HB 2719. This addition to the bill sets up dangerous situations for the student and takes away the rights of students and parents.

There are so many troubling questions that arise with this amendment:

- ~~ What defines a social-emotional behavior problem?
- ~~ What defines high, medium, and low risk social-emotional behavior problems?
- ~~ Who decides to screen students for being at risk for social-emotional behavior problems?
- ~~ Will all students in the school go through the same screening?
- ~~ What screening tool or tools will be used?
- ~~ Does the company doing the screening keep the data in their company's records?
- ~~ What are the screening questions?
- ~~ Where does the report of the social-emotional behavior problem reside, possibly in the student's permanent record?
- ~~ What will happen to the student once he is identified as at risk of social-emotional behavior problems?

This is just one example of the senseless overreach of Social Emotional Learning (SEL) probing students with surveys and systems. It is easy to see why students are not learning properly now that SEL has brought more social chaos with "at risk screening" taking priority in the school day. SEL focuses students upon their shortcomings instead of their strengths. Teachers and students alike fear for their safety. Since SEL began in 2012 in Kansas schools, violence and disruptive behavior in the classroom is increasing, students have to be removed from classrooms when violent student disruptions occur, while a teacher is not allowed to touch that student, suicide is the second leading cause of death among Kansas youth, and students are groomed to be transgender. Teachers have become facilitators of SEL teaching systems and many are leaving their beloved profession. In the nation, Kansas ranks 3rd in education spending and 44th in student achievement.

This must be stricken from HB 2719:

" (f) (1) If any test, questionnaire, survey or examination that is intended to screen a student to identify whether such student is at risk for social-emotional behavior problems is administered to a student, the school district shall report the results of such test, questionnaire, survey or examination to

the parent or guardian of the student as follows: (A) If a student is determined to be at high risk for social-emotional behavior problems, the school district shall make direct contact with the parent or guardian of the student not more than 30 days following the administration of such test, questionnaire, survey or examination; and (B) if a student is determined to be at medium or low risk for social emotional behavior problems, the school district shall send a written communication to the parent or guardian of the student not more than 60 days following the administration of such test, questionnaire, survey or examination. (2) As used in this subsection, "direct contact" means that a teacher, counselor or administrator of the school district communicates with the parent or guardian through an in-person communication or through a synchronous electronic or telephone communication."

There needs to be an additional change to HB 2719 of one word. On line 12 where it states "(a) A nonacademic," **please strike "A nonacademic" and replace it with "No."** This was the original intent of the law that passed in 2022, and that substitution "A nonacademic" happened in the conference committee. Because of this change the statute only catches three surveys, The Kansas Communities That Care, the National Youth Risk Behavior Survey from the CDC, and Family Engagement Survey. All three are part of a Climate Measures Report KSDE compiles.

There is much more questioning and surveying that goes on with SEL deeply embedded into the K-12 curriculum. **It was your intent with the 2022 Student Data Privacy Act that ANY probing of students with behavioral questioning throughout the day would be shown to the parents before it was given.** Since 2022, SEL has advanced to enormous levels of questioning students, including even "circle time" meant for students to disclose private thoughts with other students. Parents are not fully aware of what is happening in their child's classroom as it relates to SEL. The change of "nonacademic" to "No" in this bill will be the deciding difference to fully inform the parents of the learning management systems in which their student is partaking. This statute is not designed to show parents testing in any other subject areas, such as Math, ELA, or Science; it is just when SEL or any other behavioral testing is given.

A few states have acknowledged that **the SEL testing and probing into the minds of children may be a violation of federal legislation, the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h)**. I tell you this because we feel PPRA gives complete support for Kansas students not being subjected to KSDE's comprehensive SEL curriculum. Kansas was the first state in the nation to comprehensively adopt SEL for K-12. Many states, including Missouri, have not adopted SEL. At the very least, schools should be required to show the SEL curriculum and classroom learning management systems to parents. **SEL may also be a violation of the Kansas statute on Biometric Data Collection (K.S.A. 72-6315).**

NGOs and businesses greatly profit when instilling SEL into America's schools by selling their plans to state and local school boards. This brings up the question of how much money are we taxpayers spending for the state and local school districts to collect all the personal student data flowing through the SEL school day. These NGOs are now introducing the original goal of SEL, religion, into the school day. That's correct, SEL is bringing a theosophy new age religion into our schools. According to the Fetzer Institute, "now 30 years later, we are working to add pluralistic, spiritual development into the whole child curricula." The Fetzer Institute along with many well-funded foundations formed the original Consortium to Advance Social Emotional Learning (CASEL). This is the organization whose guidelines KSDE fully support and initiate into our Kansas schools through accreditation mandates of SEL being their number one priority. There are many examples that CASEL gives on what religion looks like in the school day. This needs to end.

Please work to improve the Student Data Protection statute, designed to protect students, and keep parents better informed. This amendment to the original statute for screening for social emotional behavioral problems will cause harm to students and parents.