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Opponent Testimony – WRITTEN ONLY

HB 2238 - AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations of the act.

Presented to the Senate Committee on Education

Monday, March 6, 2023

by

Ann Mah and Dr. Deena Horst, Legislative Liaisons

Kansas State Board of Education

Chair Baumgardner, Vice-Chair Erickson, Ranking Minority Member Sykes and Committee Members:

Thank you for allowing us to share our viewpoint regarding HB2238.

The Kansas State High School Activities Association (KSHSAA) has oversight of eligibility for any student participating in activities sponsored by KSHSAA. The Kansas State Board of Education supports KSHSAA's authority in this and all eligibility matters relating to sponsored activities.

KSHSAA has already adopted a policy regarding transgender participation, which is available on KSHSAA's website under Policies. This policy was developed and approved by the KSHSAA Board of Directors, which includes representatives from all leagues; both public and private school representation; high school and middle school representation; governor's appointees; State Board of Education members; local board member representation; and affiliated activity organization representatives.

Our opposition to HB 2238 is based in the belief that such a policy is best determined by individuals who work with students and live within the communities across Kansas. **Therefore, we urge you to work through the members of the KSHSAA Board of Directors to address this issue for middle and high school students rather than placing it in statute.**

Thank you for considering our viewpoint.

Kansas leads the world in the success of each student.