



Testimony in Support of H.B. 2236

Brittany Jones

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Senate Education Committee

Chair Baumgardner and members of the Senate Education committee, my name is Brittany Jones. I am an attorney and the Director of Policy and Engagement for Kansas Family Voice.

At Kansas Family Voice we believe that children are given to parents and families, not the state. The government, schools, and even the church do not own children, though they may have a role to play in their development. Families are designed to nurture, love, educate, and prepare children to engage the world around them. In the majority of cases, the primary influencer throughout a child's life should be their parents. A parent's God given, constitutionally recognized right should especially come into play when schools are attempting to expose children to sensitive material. This sort of exposure should not happen without a parent's explicit knowledge and consent.

The Supreme Court has repeatedly affirmed the right of parents to direct the upbringing of their children. Many of these cases have centered around parent's rights as it relates with public education. The right was first recognized overtly in *Meyers v. Nebraska* and affirmed two years later in *Pierce v. Society of Sisters*.¹

The right has also come into play specifically when dealing with a religious freedom rights of minority faiths.² As we look at the scope of the Supreme Court's jurisprudence on parental rights, it is heavily weighted towards protecting parent's right to raise their children as they see fit and only abridged in very specific situations.

These rights are backed up by federal statutes that protect parent's rights to review records as well as statutes that require that schools give parents access to curriculum.³ There are at least two states with similar laws and a host of others that have agencies that recognize a similar list of rights.⁴ The policy being proposed today is not some radical idea, but rather fits into the paradigm that has already been created by both federal caselaw and by federal statute.

Opponents of these type of explicit protection make the same old arguments – parents don't know what's best for their children or that these things are not happening.

¹ *Meyer v. Nebraska*, 262 U.S. 390 (1923), *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

² *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

³ Family Education Rights and Privacy Act (FERPA), 34 CFR Pt. 99; Protection of pupil rights, 20 USC § 1232h.

⁴ Utah Code Ann. § 53G-6-801 et seq.; Florida; Ariz. Rev. Stat. § 1-601 et seq., Fla. H.B. 241 (2021) (enacted).



In your written testimony today, you will find several Kansas examples where parent's fundamental freedoms have been violated as their children have been put in compromising situations whether on a school trip or being forced to answer inappropriate questions. Most recently, it has been reported that a Wichita school district proposed a rule that would have allowed the school to keep secret information on their children and pressured teachers to call children by their preferred pronouns even if this violated the teacher's beliefs.⁵ Another school in Kansas tried to impose a similar rule last year and federal court dismissed the case because the rule violated the First Amendment freedoms of the teacher involved in the lawsuit.⁶ These are real problems that call for robust responses.

Finally, bills like H.B.2236 should not be viewed as an attack on teachers. Teachers give of themselves and their resources selflessly to their students. However, as the power of the government has increased so has the influence of the educational system. This bill is about re-establishing what most people agree is not controversial – parents have the ultimate responsibility and privilege of raising their children.

Parents are best positioned to know and raise their kids. Educational institutions can be an asset to this relationship. Recognizing and protecting the fundamental relationship between a parent and their child is vital to ensuring the stability of our society. It is backed by years of Supreme Court jurisprudence as well as federal law. For these reasons, I ask that you vote H.B. 2236 out favorably.

Thank you for your time today.

⁵ Kansas school district: gender identity can be kept from parents, avoiding preferred pronouns can cause death, Fox News, March 1, 2023, <https://www.foxnews.com/us/kansas-school-district-gender-identity-kept-parents-avoiding-preferred-pronouns-cause-death>.

⁶ *Ricard v. USD 475 Geary Cnty. Sch.*, Case No: 5:22-cv-04015 (2022).