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House Education Committee
House Bill 2299
Oral Opponent
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Chairwoman Estes and Members of the Committee,

My name is Kimberly Streit Vogelsberg and I serve as General Counsel to the Kansas National Education Association. Thank you for allowing me to share my testimony against HB 2299 and for the opportunity to tell you about the negative impact this bill has on public school students and the thousands of Kansas public educators that I represent.

The bill establishes as state policy “that no person shall be required to participate in programing or training that promotes or degrades any one religion and that governmental entities are prohibited from enacting policies that promote or degrade any one religion.”

Let me be clear, KNEA does *not* support religious discrimination. It is unconstitutional to discriminate on the basis of religion in public schools, or to promote religion in public education. However, KNEA does not agree that this bill is necessary to address discrimination.

This bill permits any person, even non-Kansans, to file a complaint directly with the state’s attorney general upon **the belief** that a public school, including elementary, secondary, and post-secondary schools, is discriminating against or causing prejudice on the basis of religion. Because it is unclear what prejudice on the basis of religion means, this leaves the potential for expensive investigations to be filed by people with little information and, potentially, little connection to Kansas.

The process in HB 2299 permits the attorney general, a partisan office, to investigate these complaints of religious discrimination rather than the existing local, state, and federal processes already in place. The bill empowers the attorney general with broad investigatory powers, including compelling testimony, demanding information, and subpoenaing documents. **Thus, if this becomes law, schools will have to spend Kansas tax dollars to comply with potentially lengthy and expensive investigations. To the detriment of Kansas taxpayers and students, these expenses are incurred regardless of whether the law is violated.** Furthermore, the state’s resources in the office of the attorney general will also be unnecessarily spent investigating when existing processes already efficiently address these complaints at the lowest level. Why elevate complaints directly to the attorney general’s office without first attempting efficient conflict resolution tactics at lower levels?

Then, upon a preponderance of the evidence, a low legal standard which requires only that the attorney general find that it is more likely true than not, the attorney general can assess a civil penalty against public schools for up to \$10,000 for each violation.

In addition to the inefficiencies this bill would create, the bill would also directly impact the educators that I represent, and their students. The threat of an investigation by the attorney general's office and the risk for steep financial penalties, including an increase from \$2,000 to \$10,000 for incidental damages for some discrimination, will create a chilling effect in Kansas schools that negatively impacts students' learning. Despite the bill's assurance that coursework "dedicated to the education and study of world religions or cultures" will not be affected, I cannot believe that will be the case. What about history or literature coursework discussions? Just for example, will a teacher be investigated for religious prejudice for teaching a history lesson and leading an accurate factual discussion on the Crusades? Religion impacts society and history on many different levels. To avoid time consuming and expensive investigations and accusations, schools may act to self-censor *any* religious discussion or curriculum. That is devastating to educators, as they will likely face discipline for any speech that schools worry will expose them to a complaint. And, consequently, this is devastating to Kansas students, especially those in higher education, who will be deprived of opportunities to discuss and engage in critical thinking about current and historical events.

Finally, the bill removes important language that protects Kansas citizens and patrons of our school districts from discrimination based on characteristics like race and religion. In addition to withdrawing the ability to enact policies to seek out diverse employees, the bill also removes language from Kansas statutes that declares it unlawful for places of public accommodation, like public schools, to discriminate when offering goods, services, facilities, and accommodations. The bill also removes language that declares it is unlawful for Kansas schools to refuse to treat patrons equally. Although other sources of federal and state law may still be utilized to protect Kansas schools from regressing back to the days before *Brown v. Board of Education*, removing this language from Kansas statute would send a concerning and disturbing message from the legislature to Kansas citizens.

In sum, KNEA opposes this bill. It is not necessary to protect the important religious rights of Kansans. The bill will spend Kansas tax dollars and school budgets on high-level investigations without any attempt to efficiently resolve complaints with existing local level procedures. The bill seems likely to have a chilling effect, making it harder to adequately and accurately educate Kansas students. And, finally, the bill removes statutory language making inequality and discrimination of patrons and visitors of Kansas businesses and schools unlawful, language which I know that I and the educators I represent believe should be a core tenant of our society. For these reasons, KNEA opposes this bill.