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SB 76 - Given Name Act
Opponent
Oral In Person
March 4, 2025

Chair Estes and Members of the Committee, thank you for the opportunity to provide opponent testimony for Senate Bill 76 on behalf of Mainstream.

Mainstream OPPOSES SB 76.

Mainstream was founded over 30 years ago by faith leaders who warned about the intrusion of narrow, extremist religious views into our government and public institutions. In the following decades, Mainstream members have fought to protect our religious freedoms and maintain strong church-state separation because Kansans value their freedom to live as they see fit without the overreach of government or religion into their personal lives.

SB 76 mirrors the national agenda to define gender and control transgender bodies based on a narrow religious objection. And Mainstream staff use the words “narrow” and “extremist” intentionally when we speak of these efforts to deny transgender Kansans their rights because many people of faith embrace transgender individuals and their families as a tenant of their faith. **As visible in the testimony submitted on SB 76 during its senate committee hearing – 274 pieces of opposition compared to the 5 pieces of proponent testimony – there are a lot of Kansans who believe it is our moral and religious duty and honor to love, respect, and support our transgender youth.**

During the senate committee hearing on SB 76, two specific arguments were made that we would like to address for this body in the hopes that you will see the hypocrisy and harm of this bill.

1. This is not a First Amendment bill about free speech. SB 76 claims that requiring teachers to refer to their students by their chosen name and pronouns, something many teachers have been doing for generations, violates their free speech. To solve for this, SB 76 broadly establishes that no one can use chosen names and pronouns unless teachers receive parental consent to do so. Without receiving that consent – something that could be impossible for minors up to the age of 18 who are not yet comfortable communicating their gender identity with their parents or legal guardians for fear of their physical and mental safety – teachers and other school employees are silenced.

Far from protecting free speech, this bill would violate the free speech of teachers wishing to affirm a transgender student's identity. As we heard in many of the proponent testimony during the senate committee hearing, it is also a violation of their professional code of ethics, morals, and even religious beliefs. **THIS IS NOT A FREE SPEECH BILL.**

2. This is not a parents' rights bill. This legislature has surrendered any right to claim they stand for parents' rights after passing the gender affirming care ban, SB 63. That bill stole the rights of parents to care for their children experiencing gender dysphoria, a medical diagnosis that should be addressed solely by parents, their medical providers, and personal faith leaders if appropriate. This legislature simply does not stand for parent rights if they happen to be parents of queer children.

Further, the hypocrisy of calling this a parents' rights bill is further illustrated in the KS court case cited by proponent testimony by Arizona-based Alliance Defending Freedom. In *Ricard v. USD 475 Geary County Schools School Board Members*, under the "Specific Factual Allegation" the plaintiff's religious beliefs and how they contradict with using chosen names and pronouns are outlined. This includes: "To accommodate the interests of students, parents, and teachers, Ms. Ricard believes that teachers and student peers can—but **should not be required to**—refer to a student, who has obtained parental permission, by pronouns that do not correspond to the student's biological sex.¹" Does this legislature only care about parental rights until they disagree with them?

If you need more evidence that this is not a parents' rights bill, you need look no further than the language of the bill itself. Even when a minor has written consent from a parent that their chosen name and pronoun can be used (in other words, acknowledgement of the parents' "fundamental right to control the upbringing and education of their children²") this bill does not require a teacher to use that name/pronoun. Section 1(c) of the SB 76 reads: "No employee of a school district or postsecondary educational institution shall be subject to an adverse employment action for declining to address an individual using a name other than the name listed on the individual's birth certificate or a pronoun or title that is inconsistent with the individual's biological sex." **THIS IS NOT A PARENTS' RIGHTS BILL.**

Then what is SB 76? **THIS IS A TRANS-ERASURE BILL.**

SB 76 is an insult to our transgender youth and their loved ones, **and it is shameful that this hearing is happening on Equality Day**, a day for queer Kansans to gather in their statehouse to educate themselves on legislative activities. Again, the clear message we are sending by holding this hearing today is that this legislature's priority is to attack queer Kansans.

This legislature has already made clear that the rights, safety, and happiness of transgender youth is not their priority. It's also a slap in the face to all Kansans who believe in trans rights, who support the youth in their classrooms and in their lives, who affirm the unique and beautiful identities of all of our children, and who believe that their faith calls on them to love their neighbor.

¹ *Ricard v. USD 475 Geary County Schools School Board Members*, found at: <https://adfmlegalfiles.blob.core.windows.net/files/RicardComplaint.pdf>

²*ibid*

Mainstream opposes SB76 because we view this bill as a prioritization of the religious beliefs of the few over the professional and ethical obligations of our teachers and school staff to care for all Kansas students. In 2024, over 100 Kansas educators signed on to a letter opposing a version of the gender affirming care ban, saying “Laws that restrict the free speech of our educators in acknowledging social transitioning...denies transgender youth the support they desperately need and mandates the rejection of their identities and sense of self. We must recognize the role of our teachers in shaping students’ lives....Educators have a moral obligation to make our schools and educational spaces as safe as we can, which includes the emotional and mental well-being of all our students. [These] laws require us to act against the wishes of the student and their parents, and hinder our ability to create a safe and welcoming classroom for all students.”

SB 76 frames the use of chosen names and pronouns as a free speech battle and a matter of “academic freedom as it communicates a message on a matter of *public concern* and shapes classroom discussion and debate.” That matter of public concern is the very existence of transgender Kansans in public spaces like schools. **Just like in other attacks against transgender youth, the majority of this legislature has decided that they, not our trained professional academic staff and faculty, have the exclusive right to decide how transgender Kansans get to live in our state.** And that message that they are now burdening our teachers to carry, is that trans students don’t have rights in Kansas.

Transgender Kansans and their loved ones have testified about the real harm, sometimes life-threatening, that comes from denying youth access to gender affirming care, including the use of chosen pronouns and names. The majority of this legislative body has already chosen to ignore them once this year by passing the gender affirming care ban, SB 63. The bill before you today in SB 76 does nothing more than acknowledge – without the cover of “protecting” youth from surgical and medical interventions – that this legislature is intending to erase transgender identity in Kansas.

Mainstream urges you to reject SB 76.