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Testimony in Opposition to SB 76, Pronoun Bill
By Rabbi Moti Rieber, Executive Director
House Committee on Education, Re. Susan Estes, Chair
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Mme. Chair, Members of the Committee:

I am Rabbi Moti Rieber; I serve as Executive Director for Kansas Interfaith Action, the statewide, multifaith issue-advocacy organization that partners with moderate denominations, houses of worship, and individuals of faith and conscience throughout the state. I rise in strong opposition to SB 76.

I have testified against legislation targeting Kansas' trans community for four years now. I cannot express to you how frustrated I am with the legislature's determination to oppress this tiny and vulnerable community. This bill adds insult to the injury that was caused by the passage of SB 63, as well as numerous similar bills enacted over the past few years.

This bill could more accurately be called "the misgendering and dead-naming act." It is KIFA's position that it is the least that can be expected for the people in students' lives to call them by their correct name and pronouns. We have testified over and over again how damaging it is to trans youth to have their needs and wishes completely overrun by prejudicial legislation by legislators who don't know or understand you, or care to. We have shared statistics and stories of the cost to trans individuals of this kind of targeted attack, and about how trans youth have higher rates of suicide (32-50% depending on location), primarily as a result of harassment and prejudicial treatment by the authority figures in their lives, including teachers, or harassment (or worse) by peers who take these actions as permission to act badly.

This legislation will not stop any youth from being trans. It will, however, prevent them from living out the dignity-filled lives they deserve, and threaten any school employee who wants to affirm and support them.

Faith leaders and denominational bodies are deeply alarmed about the impact of this bill on transitioning youth, their families, and their school communities, and the undue stress it will create on school staff who wish to provide their students the best standards of education and just human care and concern.

Kansas Interfaith Action opposes SB 76 for three main reasons:

First, every Kansas student has the right to be called by their gender-affirming name and pronouns.

Schools have a legal obligation to respect every student's gender identity, even before students are able to legally update their names or gender markers. In addition, denying students the right to use their gender-affirming name or pronouns at school may constitute a violation of Title IX and the Equal Protection Clause of the U.S. Constitution. Also, courts across the country have found that refusing to use someone's gender-affirming name and pronouns can constitute gender-based harassment in violation of the Equal Protection Clause.

Second, this bill, if enacted, would constitute a violation of students' privacy, and put their safety at risk. Students' privacy and safety are closely related to their rights to be referred to by the correct names and pronouns. Respecting students' names and pronouns is necessary to protect transgender and gender-diverse students from bullying and discrimination at school. Also, when teachers or staff misgender or deadname a student, it opens the door for the student's peers to do the same and creates an environment where the student is more likely to get bullied or harassed. In fact, this bill encourages students to bully trans students by prohibiting disciplinary action against students who deadname their peers.

Third, this is a politicized attack on our teachers and other educational professionals. The damages section in this bill is overly broad and paves the way for litigation based on overhearing conversations. The bill does not require the person who sues for damages to be involved in the conversation at all, allowing anyone overhearing (or mishearing) a conversation to bring litigation. Even if an education professional wanted to follow this law perfectly, it would be nearly impossible for them to protect themselves from the risk of litigation. There is no effective means of ensuring every school employee and student has the knowledge of every student's name and sex listed on their birth certificate, nor should there be. The total unenforceability of this bill may lead to excessive administrative burdens on our local schools and higher education institutions, both in creating systems for attempting its enforcement and in costs defending the institutions and its employees against frivolous lawsuits.

It is an unfortunate reality that some parents are not supportive of, or are openly hostile to, their young people's gender exploration. Consequences can and often do include harsh physical or psychological punishment, or rejection. Young people are autonomous individuals with their own needs and paths, and while their parents are obviously huge influences, giving parents veto power over their children's self-exploration and self-expression undermines their personal autonomy.

I urge you all to stop this invasion of classrooms and schools across the state and into the lives of students and families you don't know and don't understand. This reckless use of government as a culture-war weapon undermines the ability of educators to do their jobs and create healthy learning environments. You have no call to do this, and you have no right to do this.

Interfering with transgender students' ability to express themselves in their communities flies in the face of the instruction that we receive from God to love our neighbor. I stand today to ask that, for once, instead of extending hatred and prejudice toward these children, that this legislature extend concern for them, or even love, as they try to present their most authentic selves in the world. They, like all of us, are created in the divine image of a loving God, and deserve equal treatment under the law. There is no compelling reason for this legislature to force its ill-formed, prejudicial and dangerous opinions onto young people in this state. We are better than this. I urge you to oppose SB 76.

Thank you.