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**Testimony Before the Senate Committee on Education
In Support of SB 114
Wednesday, February 12, 2025**

Chairman Erickson, Vice-Chair Thomas, Ranking Member Sykes, and Committee:

I drafted and support SB 114 because it would legislate what should have been common sense for school districts across the state.

In 2023, the Kansas Legislature passed 2023 H Sub SB 113 into law, which gave homeschool and virtual school students the right to participate in high school sports and other activities at their local public school, provided certain statutory qualifications are met (e.g. residency, age and grade-level requirements, fees, etc.). After the passage of that bill, homeschool and virtual school students were allowed to participated in sports and other KSHSAA activities in their local district.

For the past many months, I have represented Keara Richardson regarding her children's discriminatory treatment by Wallace County Schools USD 241 during the 2023-2024 school year. As more fully described in the demand letter attached, the USD 241 board passed a formal policy to prevent the Richardson children and other similarly situated student athletes from participating in ancillary activities promoting those sporting teams and programs, including lettering, activities banquet, and senior night.

To my knowledge, USD 241 is the only district in the state that interpreted this new law (codified in K.S.A. 72-7121) to allow the district to expressly exclude these participating student athletes from formal events honoring the student athletes and lettering honors. This is not just "on paper" discrimination—these students, who proudly competed with the school name and mascot on their uniforms during the season and during the 1A Division II State Tournament, were subjected to public humiliation both in front of the entire community during senior night at a winter basketball game, and in front of their teammates, coaches, and the administration at the year-end activities banquet.

Leading up to these events, Keara Richardson regularly asked the school board to allow their minor children to participate in things like senior night ceremony, the activities banquet, and lettering honors, provided the students had met the criteria for lettering under the school policies (e.g. three-sport participation, playing time, etc.). Aubree Richardson was a senior student athlete who participated in all three sports seasons, was a core part of the volleyball and basketball teams, and even voted "Most Inspirational Teammate" by her volleyball teammates. Aubree qualified under district lettering policies and won all-state honors from KSHSAA, but was intentionally and publicly excluded from district recognition. Not only was she—and other homeschool participating students—excluded from recognition at the district's public events, the school board held special meetings to formalize these discriminatory policies in the days leading up to the each of the events. These students were even publicly and intentionally excluded from

the "all-student-athlete" photo taken at the activities banquet and included in the yearbook after being asked to attend (but not be recognized) at the activities banquet.

Last Friday, I sent a demand letter to the USD 241 board laying out the concerning discriminatory treatment of the Richardson children in the context of their participation in school sports under K.S.A. 72-7121 (demand letter attached as **EXHIBIT A**, with pages listing minor children names and photos excluded to protect privacy). I ask you to read that demand letter in full, as it lays out the irrational and down-right cruel discriminatory treatment of these student athletes solely based on their enrollment status. As I state in the letter, I believe these formal district policies and acts violate the Equal Protection Clause. While we are prepared to file suit in federal court, I think this matter can be much more efficiently and expediently solved by the legislature doing what USD 241 should have done last year or at any point in the past year.

SB 114 would clarify that if a resident student qualifies to participate in district activities under K.S.A. 72-7121, the school cannot deny those students rights and honors afforded enrolled student athletes.

SUGGESTED AMENDMENT

Since the introduction of the bill, I've heard from other legislators regarding situations involving students enrolled in the Kansas Academy of Mathematics and Science (KAMS) at Fort Hays State University, as established in K.S.A. 72-3903 et seq. My preliminary understanding is that KSHSAA would not allow these students to participate in district activities under K.S.A. 72-7121, despite the local district wanting these students to play on their teams.

I suggest this committee adopt an amendment that would allow KAMS students to participate in KSHSAA and local district events under K.S.A. 72-7121(a).

Please pass SB 114 favorably with such an amendment.