

Chairwoman Estes and Members of the Committee,

This bill would not be before you today if the public were not very aware of the work of Jonathan Haidt and others.ⁱ We all have stories regarding the (ab)use of mobile devices, the impact they have wrought on society, and possibly deal with some level of dependency ourselves. The question before you today is not simply one of *bad v. good*, but who should be drawing lines and policies for use? And, which types of entities should be covered by those policies and lines?

We understand, and have sympathy with, the desire to ban mobile devices in K-12 academic settings. But, we cannot let that understandable desire result in the government regulating private schools or any other sort of non-public entity. Regardless of whether that private entity is accredited by the Kansas Department of Education (KSDE) or not, new mandates should not be added after the fact.

What's more, it is worth pointing out that KSDE's accreditation system has proven ineffective in driving student achievement. The current accreditation law's requirement for the SBOE to "design and adopt a school district accreditation system based upon improvement in performance" and "is measurable" is anything but. A review of past versions of the accreditation statute reveals a legislative intent to measure student outcomes and tie accreditation to improvement in those outcomes. As with the overall accreditation system, good intentions have their limits. We should consider the accreditation system and extending a cell phone ban to private schools not simply by intention, however earnestly sought, but by what is actually achieved.

We are 101 years away from the codification of parents being able to "direct the upbringing of [their] children."ⁱⁱ This bill, and the precedent it sets, gets us closer to that principle being usurped as families who choose to educate their children in a non-public setting become increasingly concerned about what government mandate may come next.

The legislature is well within its constitutional authority to regulate public schools. This is not solely a role for local boards of education, the Kansas Board of Education, or KSDE. There is much to commend the idea before you today when it comes to public schools. However, we would urge extreme caution when it comes to extending that same logic to private schools.

ⁱ <https://www.theatlantic.com/ideas/archive/2023/06/ban-smartphones-phone-free-schools-social-media/674304/>

ⁱⁱ <https://supreme.justia.com/cases/federal/us/268/510/>