



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

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Director of Government Relations & Legislative Affairs
Oral Testimony – Opponent
Senate Committee on Education
Senate Bill 76
February 10, 2025

Chairperson Erickson and Members of the Committee:

Thank you for the opportunity to testify in opposition to SB 76.

Kansas NEA is a member-driven organization representing all 40,000 educators in the state of Kansas, including nearly 22,000 active members. The positions we advocate for have been proposed, debated, and adopted by several hundred members elected by their peers to attend our annual Representative Assembly.

Our members hold a clear stance on this issue, as articulated in the following resolution:

Kansas NEA believes that an individual's name and pronouns are of utmost importance. Therefore, all educators must treat students and fellow educators with respect and dignity. KNEA acknowledges that students and educators experience discrimination due to mispronunciations, misgendering, misrepresentation, incorrect documentation in systems of record, or the use of deadnames. Regardless of intent, the long-lasting negative impact on individuals, classrooms, and work environments is harmful and detrimental to teaching and learning.

KNEA further believes that student and educator names and pronouns should be treated with respect and dignity by making efforts to understand and implement proper pronunciation, spelling, punctuation, stylization, individual preference, cultural norms, context, and times of usage, along with a true understanding of the discrimination experienced when these aspects of a person's name and pronouns are disregarded.

SB 76 represents a significant departure from these values, particularly in its treatment of transgender students. Research shows that when transgender youth feel supported by their families and medical providers, they experience better health outcomes. Specifically, when they feel affirmed, they report fewer suicidal thoughts and attempts, increased self-esteem, and a greater sense of safety in their community, which positively impact their ability to learn in the classroom.

Additionally, KNEA questions the constitutionality of SB 76. The bill violates the constitutional and civil rights of Kansas school employees and students by infringing on protections against sex discrimination and harassment. It also clearly violates educators' free speech rights. SB 76 puts schools at risk of constitutional litigation from employees and exposes both employees and school districts to potential discrimination claims.

We are also deeply concerned about the following language in SB 76:

"No employee of a school district or postsecondary educational institution, regardless of such employee's official duties, shall address a minor or student with a name other than the name listed on the minor's or student's birth certificate, or a derivative of such name, without the written permission of the minor's or student's parent

... A person who is harmed by a violation of this section may bring a cause of action for injunctive relief, monetary damages, reasonable attorney fees, and any other appropriate relief."

This language raises several critical questions:

- What about common nicknames, and how far will this slippery slope extend?
- What constitutes "reasonable attorney fees"?
- What is meant by "other appropriate relief"?
- Who would be the target of such a "cause of action"?
- Would school districts be held liable?
- Would individual school employees be personally liable?
- Would families of students be held personally liable?

This provision is overly broad, open to misinterpretation, and could have serious financial implications for all school personnel. Educators may also face disciplinary action for even an unintentional mistake regarding a student's pronouns or name, as the bill does not provide any exceptions for errors. How is an employee expected to always know the correct pronouns or name of a student? The legal chaos this bill would introduce into schools will be costly to Kansas taxpayers as they bear the price of litigating these constitutional violations.

Furthermore, the vast majority of school district employees are already woefully underpaid. Many are part of the KPERS Tier 3 retirement system, which remains inadequate. Additionally, young teachers are struggling with immense financial pressures due to the student loan debt crisis. Making these public servants vulnerable to monetary lawsuits is an excessive and unjustified overreach.

School district employees wake up every morning knowing that the safety and well-being of their students is their top priority. These public servants shoulder enormous responsibility every day as they enter their workplaces to serve Kansas children. The stress of this profession is something few outside of education fully understand—or could even endure themselves. SB 76 introduces yet another threat to their profession, further exacerbating the challenges they face. Regardless of its intent, this bill will be perceived as yet another attack on teachers. It is unnecessary, and we urge you not to proceed in this direction.

For these reasons, we respectfully ask the committee to oppose SB 76.