

Opponent Testimony of SB 76
For the Senate of Education Committee
February 10, 2025
Jake Makela
Private Citizen

Chair Erickson and Members of the Committee,

Thank you for the opportunity to provide testimony in opposition to Senate Bill 76. My name is Jake Makela, and I am a Kansan. I am also a recent Honors graduate from The University of Kansas, and I have been accepted into KU's Women, Gender, and Sexuality Studies doctoral program. As a part of this program, I am looking forward to teaching and working alongside both minor and nonminor students and peers with whom I share community.

According to KU's Faculty Code of Rights, Responsibilities, and Conduct of the University's Handbook for Faculty and Other Unclassified Staff, teachers are expected to "treat students with professional courtesy and to respect their rights." This includes, citing The Code of Student Rights and Responsibilities, "freedom from harassment or discrimination." Title IX of the 1972 Federal Education Amendments, cited across the University's student and faculty codes of conduct explicitly prohibits exclusion and discrimination on the basis of sex in federally funded institutions. To refuse an individual the common courtesy of addressing them by the name and pronouns by which they introduce themselves, as suggested in SB 76, is both discriminatory and capricious.

SB 76 is clearly reactionary and poorly thought out. The language of this proposed statute is unconstitutionally vague, overbroad, and inconsistent with concepts of academic freedom and freedom of speech. In fact, it works in opposition to the stated intention to protect the right to free speech, instead suggesting tighter restrictions on what one can or cannot say. Beyond the harm it threatens to inflict on trans students of all ages, this bill poses a threat to any student who might simply use a nickname. If a student chose to use their mother's last name in the wake of an abusive or uninvolved father, they may be unable to do so in the wake of such restrictive legislation. At the same time, this bill creates a private right of action that can and will easily be used and abused, creating havoc in an already overburdened judicial system.

Some of my current and prospective peers and students (most of whom are 18 or older) may be trans. As an instructor, a peer, and a colleague, it is my duty to teach and interact with these individuals respectfully. This role includes, but is not limited to, addressing all individuals as they introduce themselves to me. Not merely disrespectful, it would be a gross overstep of their rights as a student and Kansan to take it upon myself to identify, name, or refer to such individuals differently on the basis of a name or sex assigned to them at birth as opposed to the way in which they have clearly identified themselves to me.

As an incoming PhD student, I fear for my ability not only to address minor and nonminor students and peers in a way that is consistent with their presentation of self, but also the loss of

my own right to be addressed as I present myself. This bill is not limited in scope to minor students, and the notion that I, as an adult citizen of The United States, may lose the right to protection from harassment and discrimination in my educational environment and workplace on the ironic basis of “free speech” is deeply upsetting. As a student, a teacher, and a transgender resident of Kansas, I kindly ask that you vote against Senate Bill 76 in accordance with long-standing state and federal protections.