

OPPONENT IN-PERSON TESTIMONY – SB 302
For the Senate Education Committee
Thursday, January 15, 2026
Ann E. Mah, Retiree

Chair Erickson and Members of the Committee:

Thank you for the opportunity to provide testimony in opposition to SB 302 on behalf of myself as a former state representative and former state board of education member. SB 302 is an attempt to usurp the constitutional authority of local boards of education in the areas of personal electronic devices and teacher-student communications.

While everything in this bill might or might not be a good idea, the fact is that it is not the job of the legislature to set these policies. According to Article 6 of the Kansas State Constitution, Article 5, “Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards.”

Do the state board of education and legislature have a role in policy? Yes. The state board of education has general supervision of K-12 public schools. It also accredits public and private schools. The legislature has the job of making suitable provision for finance of the educational interest of the state.

In 2024, the state board of education established a Blue Ribbon Task Force on Student Screen Time. They were tasked with providing recommendations regarding the use of personal devices in school, screen time and mental health, and parental oversight of district-owned devices. Three dozen key stakeholders made recommendations in a report to the board. That report was received by the state board of education and distributed to the local boards of education for their consideration. The board was glad to do the research and lay out the pros and cons for local boards to review. The result is that 240 districts now have such policies, which makes this bill even more unnecessary and intrusive.

I was on the board for that discussion and vote. While we often got into discussions with local boards over where the line of control should be drawn between us, it was clear to the state board that a mandate was not in order. The Kansas Supreme Court ruled that the authority of the board as something more than “to advise and confer” and something less than “to control”. The Court noted the line of demarcation cannot be drawn with “fine precision”. (*State ex rel Miller v Board of Education, 1973*) That line is between the state and local boards. There is no “line” between the legislature and local boards other than funding.

It should be clear that these discussions belong at that level. It should also be clear the legislature has no role here. When you have school districts that range from fewer than one hundred students to more than 45,000 students, there is no way the legislature can create a “one-size-fits-all” solution. Besides that, I’m fairly certain that the 2000 or so locally elected school board members are in a better position than you to make that call. What message are you sending your local board members? They likely already have a policy, but you think you know better? Seriously?

It just makes far more sense for the local board to work with students, educators, and parents to devise a local policy on personal devices and teacher-student communications. They may very well decide that it is better to teach students how to properly use those devices rather than hiding them. And Heaven help you if this passes and students are harmed in some kind of disaster at school because communications devices were not readily available. Further, if the local board decides not to have a policy, it is still not your job to override that decision.

I would be glad to stand for questions.