



Opponent Testimony of SB421
For the Senate Education Committee
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Chair Erickson and Members of the Committee,

Thank you for the opportunity to provide opponent testimony on Senate Bill 421.

Mainstream was founded over 30 years ago by faith and community leaders who warned about the intrusion of narrow, extremist religious views into our government and public institutions. In the following decades, Mainstream members have fought to protect our religious freedoms and maintain strong church-state separation because Kansans value their freedom to live as they see fit without the overreach of government or religion into their personal lives.

Mainstream OPPOSES SB421 for going beyond the protection of First Amendment rights of assembly, speech, and religion and instead creating an uncertain and hostile environment for public schools to navigate:

1. The religious freedoms in SB421 are already established

Religious freedom for students and student organizations are already protected under the First Amendment Free Exercise clause, the Kansas Preservation of Religious Freedom Act, and Supreme Court rulings. Expanding these protections to include “political and ideological” viewpoints depreciates the sacred position that religious freedoms have in our constitutional rights.

Further, there is no clear understanding in SB241 for when political and ideological viewpoints tip over into prohibited unwelcome or offensive conduct, leaving that to the subjective interpretation of any student or student organization who feels they have been harmed by a violation of SB421. This puts vulnerable students at risk of being the subject of harassing and discriminatory conduct from other students based on political and ideological beliefs.

2. SB421 creates an undue burden on schools through the private cause of action

Without clear training and understanding of that line between protected and prohibited conduct based on sincerely held religious, political, and ideological beliefs, public school

staff and faculty are put into the difficult position of prioritizing the belief of some students over the rights of others. This is an unnecessary burden on our public school staff who are already responsible for the education and wellbeing of students while they are under their charge.

The minimum \$5,000 award for a violation is an unreasonable penalty against a school that will stifle staff's ability to navigate the difficult scenarios created by SB421.

3. SB421 advances a hyper-partisan agenda

The SPEAKS Act is model legislation that has been introduced in several other states, including Iowa, Oklahoma, and Missouri. SB241 is not in response to any specific Kansas example of a violation of a student's protected speech or religious freedom, but a national attempt to advance a partisan agenda.

SEC 1(c)2 of SB421 establishes that students can't be discriminated against for "expressing a religious, political or ideological viewpoint in a homework assignment, artwork, presentation or other written or oral assignment. Student work shall be assessed by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school."

Students can express religious beliefs in homework assignments, but they must also adhere to academic standards and assignment expectations. As seen elsewhere in the country, there is heightened scrutiny on student work with religious or ideological beliefs cited as facts or sources. Unfortunately, rather than using this as an opportunity to teach students about how to conduct research and cite academic sources, teachers are being penalized for assigning failing grades on these assignments.

Public school teachers should not fear giving a low grade to a student who doesn't adequately fulfill an assignment. To do so would undermine the goal of public education to foster a love for learning while providing students with equitable, high-quality education that prepares them for college and careers.

In conclusion, **religious freedom should be used as a shield and not a sword for students, and especially our most vulnerable students.** Religious speech is already protected, but we should be cautious not to interpret our First Amendment rights too broadly as to condone discriminatory or harassing conduct based on political or ideological beliefs. For these reasons, Mainstream opposes SB421 and we urge this committee to vote no.

Thank you,

Laurel Burchfield, Mainstream Coalition