

February 2, 2026

## Testimony to the Senate Committee on Education

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TITLE: **Kansas Citizen / Voter**

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BILL NUMBER: **SB421, *Enacting the safeguarding personal expression at K-12 schools act to authorize students and student clubs or organizations to engage in certain speech or expression at school and providing a civil cause of action for violations of the act.***

PROPONENT, OPPONENT, or NEUTRAL: **Opponent**

ORAL or WRITTEN ONLY TESTIMONY: **Written Only**

Chair Erickson and Members of the Committee,

I write with serious concerns about SB 421 because it destabilizes civil rights enforcement in educational settings and imposes disproportionate legal and financial risk on the community as a whole.

Like its partner legislation, SB 419, SB 421 creates expansive belief-based exemptions that authorize refusal of participation, services, employment, or compliance, without clear limits or balancing standards. This opens the door to exclusionary practices that undermine equal access for students, families, and educators.

The bill's non-severability structure significantly magnifies this risk. By tying the validity of the entire statute to contested provisions, SB 421 almost guarantees that any successful challenge will produce broad disruption instead of targeted correction. This is an unnecessarily destabilizing approach. SB 421 also embeds a litigation-resolution bias that discourages early settlement and informal resolution of disputes. Instead of promoting compliance and remediation, the bill incentivizes escalation into court — unduly burdening schools, students, and families.

If that were not enough, SB 421 then compounds hurt by authorizing substantial statutory damages or penalties which can be levied even in the absence of demonstrable harm. You all know how constrained school budgets are and, thus, these penalties appear as coercive leverage rather than remedial tools, cleaving even more resources from instruction and students.

SB 421, again akin to SB 419, surprises me with its devotion to ideological and symbolic narrative unrelated to enforcement or administration, further weakening statutory neutrality. All in all, this bill replaces clear, enforceable standards with legal instability and financial threats. I strongly urge the Committee to reject or substantially revise SB 421.

Leslie D. Mark

*Mission Hills, HD 25 / Sen 7*