

HOUSE BILL No. 2710

By Committee on Education

Requested by Representative Steele on behalf of Linda Highland

2-5

1 AN ACT concerning education; relating to school districts; enacting the
2 affirming parental rights act; requiring the state department of
3 education and school districts to provide a link to an affirming parental
4 rights webpage that describes parental rights established pursuant to
5 federal and state laws; establishing the standard form of such affirming
6 parental rights document; requiring the attorney general to provide a
7 description of parental rights that shall be referenced on such webpage;
8 requiring the state department of education to receive and investigate
9 reported violations of parental rights; establishing remedies for parents
10 who are aggrieved by such violations or by decisions of school districts
11 regarding complaints of such violations.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) This act shall be known and may be cited as the
15 affirming parental rights act.

16 (b) As used in this act, "parent" means a parent or person acting as
17 parent as such terms are defined in K.S.A. 72-3127, and amendments
18 thereto.

19 Sec. 2. (a) In each school year, each school district shall provide to
20 each parent of a student who attends a school of the school district a link to
21 the affirming parental rights webpage, which shall be made available at a
22 prominent location on each school district's website homepage and on the
23 state department of education's website. The state department of education
24 shall establish the standard form of such affirming parental rights
25 webpage, which shall be used by all school districts, and update such
26 standard form as may be necessary pursuant to subsection (b). Such
27 affirming parental rights webpage shall include the affirming parental
28 rights document established pursuant to section 2, and amendments
29 thereto, and a listing and description of inalienable parental rights
30 protected by federal and state laws and any additional information on
31 parental rights as determined by the attorney general pursuant to
32 subsection (b).

33 (b) On or before August 1, 2026, and on or before each August 1
34 thereafter, the attorney general shall provide a listing and description of
35 inalienable parental rights protected by federal and state laws, including

1 relevant United States supreme court interpretations of inalienable parental
2 rights protected by federal law. The attorney general may also provide
3 additional information, attachments and links that the attorney general
4 deems appropriate regarding parental rights, including, but not limited to,
5 links to relevant federal and state laws, court opinions or other legal
6 proceedings concerning parental rights. The attorney general shall update
7 such information as may be necessary to account for the passage of new
8 laws and court decisions regarding parental rights. The attorney general
9 shall notify the state department of education when any updates to such
10 information is made by the attorney general, and the state department of
11 education shall notify all school districts of such changes. The state
12 department of education and each school district shall update the
13 department or school district's website to reflect the revisions made by the
14 attorney general. All such updates shall be completed not less than 30 days
15 after the attorney general notifies the state department of education of such
16 revisions.

17 (c) If a parent believes that a school district is in violation of any
18 parental right listed on the affirming parental rights webpage, the parent
19 may submit written notice of the violation to the superintendent of the
20 school district alleged to be in violation. Upon receipt of such written
21 notice, a school district shall provide a written response to such alleged
22 violation not later than 15 days following receipt of such notice. If the
23 school district fails to remedy the violation to the satisfaction of the
24 aggrieved parent within 15 days, the parent may file a complaint with the
25 state department of education for an investigation of the alleged violation
26 pursuant to subsection (c).

27 (d) The state department of education shall oversee, investigate
28 complaints and conduct compliance reviews of any school district
29 regarding violations of parental rights listed on the affirming parental
30 rights webpage established pursuant to section 1, and amendments thereto.
31 Upon receipt of a complaint submitted to the department pursuant to
32 section 1, and amendments thereto, the department shall investigate and
33 determine whether the school district violated any parental right listed on
34 the affirming parental rights webpage. The department shall report the
35 department's findings and resolution to the parent and the school district
36 not less than 40 days following receipt of the complaint.

37 (e) Any parent aggrieved by a violation of any parental right listed on
38 the affirming parental rights webpage may bring a civil action for
39 declaratory and injunctive relief, damages and reasonable attorney fees
40 and costs. In any action brought by a parent under this subsection, the
41 burden shall rest upon the school district or school official to demonstrate
42 compliance with such parental rights.

43 (f) To verify that the department is fulfilling the department's duties

1 described in this section, the department shall submit an annual report to
2 the state board of education, the attorney general and the legislature that
3 includes a summary of the complaints submitted, the violations reported
4 and the department's findings and resolutions to such complaints. All
5 records of reported violations pursuant to this section shall be disclosed
6 and made available for public inspection after such records are redacted of
7 any personally identifiable information.

8 (g) (1) If any school district or employee or agent thereof violates the
9 provisions of a parental right described on the affirming parental rights
10 webpage, the school district shall be liable for payment of a civil penalty
11 in an amount of \$5,000 for each violation. Such civil penalty shall be
12 recoverable in an action brought by the attorney general or county or
13 district attorney.

14 (2) Any civil penalty recovered by the attorney general shall be
15 remitted to the state treasurer in accordance with the provisions of K.S.A.
16 75-4215, and amendments thereto. Upon receipt of each such remittance,
17 the treasurer shall deposit the entire amount in the state treasury to the
18 credit of the state general fund.

19 (3) Any civil penalty recovered by a county or district attorney shall
20 be remitted to the county treasurer and deposited in the general fund of the
21 county where the proceedings occurred.

22 Sec. 3. (a) Each school district shall provide the affirming parental
23 rights document established pursuant to this section on the school district's
24 affirming parental rights webpage and shall refer each parent to such
25 website location during enrollment for signature.

26 (b) The affirming parental rights document shall appear as follows:
27 **AFFIRMING PARENTAL RIGHTS DOCUMENT**

28 After reviewing your inalienable parental rights listed on the affirming
29 parental rights link on the website homepage of the school district and
30 reading and signing this document, a copy of such rights and this
31 document will be available for viewing and downloading for your records.
32 Should you inform the school district that you believe a directive protected
33 by law was not followed, you should first file a written complaint to the
34 school district superintendent. If the school district fails to satisfactorily
35 resolve the complaint within 15 days, you may file a complaint with the
36 Kansas state department of education. The department will have 40 days to
37 bring a resolution. Additional legal remedies may be available to you.

38 I affirm my inalienable rights protected by the law:

39
40 Sec. 4. Notwithstanding any other provision of law, rules and
41 regulations, guidance, policy, contract or memorandum of understanding
42 to the contrary, the provisions of this act shall govern and control.

43 Sec. 5. This act shall take effect and be in force from and after its

1 publication in the statute book.