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Written Opponent Testimony

Senate Bill 235, Enacting the back to school act to require school districts to provide an full-time, in person attendance option for all students beginning on March 26, 2021.

House K-12 Education Budget Committee

March 10, 2021

Madam Chair, members of the Committee, thank you for the opportunity to share testimony in opposition to Senate Bill 235.

We agree with this bill on one emotional level - we want our students to return to their school buildings face to face with their teachers. But where we differ is in how the decision to return is made.

When the school buildings were closed last March, some in this building were outraged that the Governor should issue such an order. Legislation was passed at the conclusion of the regular session and then again in the special session that took authority for these decisions away from the Governor and passed that authority to the local level - to county commissions and county health departments. It was argued that the best decisions could be made community by community with local officials taking into consideration the needs of the community and the advice of their own local health officers. A one-size-fits-all approach mandated by the state was demonized.

Yet today, we are considering a bill that is a one-size-fits-all approach to be mandated by the state and overriding the decisions of local officials.

I believe we are now at a point that all of our students will soon be returning to their school buildings full time. In truth, most are already back full time.

We have more science on how young people are affected by the virus - they generally do not suffer greatly if they get it and with proper mitigation factors in place, schools do not become super-spreader events. But the fact is that children do get the virus and can transmit the virus; they just tend to be asymptomatic when they do have it. They can give it to teachers or other school employees, and they can take it home to their families.

Teachers have now been prioritized on the vaccine program and we expect that most teachers and other building personnel will have the vaccine within the next one to two months meaning getting sick from the virus is much less likely. Still, as we understand it, vaccinated individuals can be carriers of the virus so cautions must still be in place. Since children cannot yet be vaccinated, the potential for them to pass the virus to a vaccinated teacher who can then carry it back home to family is still real.



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Keeping this virus contained while pursuing the vaccination program is critical. Vaccination rollouts vary from county to county; the number of available vaccines, while growing, still varies from county to county; and low-income and minority areas are still not able to access the vaccine to the same degree as others. These factors and others suggest that the decision on a full return to in-person instruction is a decision best left to those who run the local schools and the local health department.

Kansas NEA has been very consistent in our messages about the return to school buildings. We will return to those buildings as soon as the health officials tell us it is safe to do so. Our emphasis has always been on following the science and not reacting out of frustration. And believe me, our teachers are just as frustrated as everyone else.

Let local school boards in consultation with their local health authorities decide when to reopen our buildings. When they say it is safe, we will be there. That has already happened in some places, it might happen today in others, and somewhere it might not happen until March 27. If we trust local authorities on mask mandates and gathering restrictions, why can't we trust local authorities on a safe return to in-person instruction?

Beyond these immediate concerns around dealing with the current pandemic, we believe that passage of this bill as it is creates problems when it comes to dealing with future crises be they health related, like a pandemic, or related to natural disasters or even localized emergencies.

For example, it seems to us that this bill would prevent a school from utilizing remote learning after a terrible tornado. Consider what we have learned about the possibilities of remote learning and applying those new lessons to future disasters. If you take the example of Greensburg, Kansas which found the town and its schools to be nearly wiped off the map after a tornado. Could a town in similar circumstances today, with all the advances in technology and the lessons of this pandemic turn to remote learning to keep students engaged? Under this bill, the school would have no option but to offer a full-time in-person education to every student who so chose it. That might very well be impossible, yet this bill would require it.

We do not believe that Kansas or Kansas schools would be well-served by a one-size-fits-all, top-down mandate that ties the hands of locally elected school boards working with their patrons and the community at large.

We respectfully ask that the committee not adopt SB 235.