

Madam Chair and Members of the Committee,

We appreciate this opportunity to testify in support of HB 2382 – the School Board Member Free Speech and Transparency Act.

Each provision of the bill is predicated on requests for help from parents and from school board members who have been prevented from fulfilling their duties as elected officials. For example,

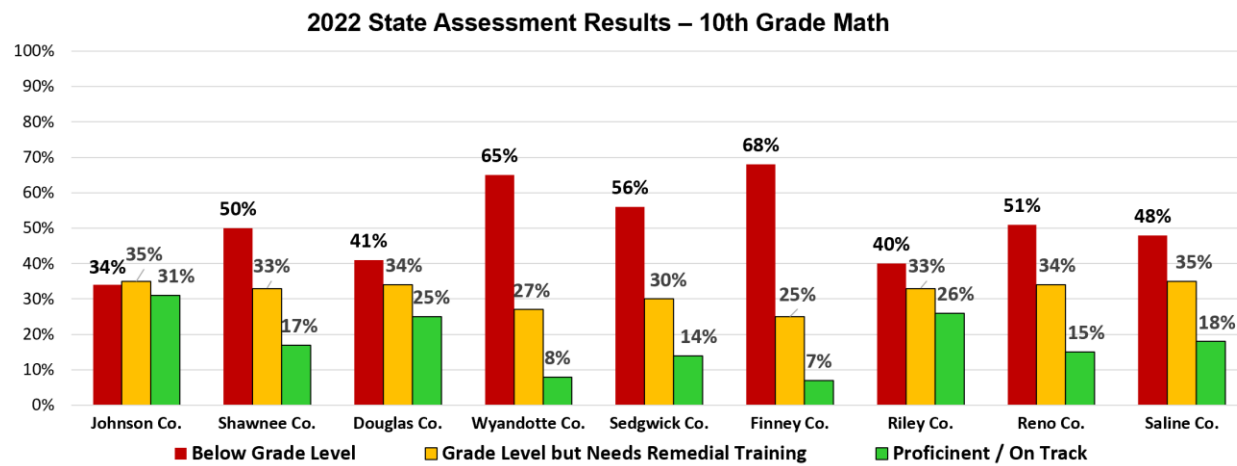
- Board members cannot place a discussion item on board agendas without permission being granted by the board president or a majority of the board.
- Superintendents deny requests for information.
- District business conducted on board members' private email accounts is exempt from disclosure under the Kansas Open Records Act (KORA), and such communication seems to violate at least the spirit of the Kansas Open Meetings Act.
- Public comment is not held as part of recorded board meetings so that patrons who cannot attend are not aware of issues brought to the board.
- Board policy prevents a board member from discussing a concern raised in the public comment section of a meeting "except to ask clarifying questions."
- Board members' email addresses are not published and patrons' email communications with board members are sent to the district office for forwarding, creating at least the possibility of censorship. Imagine if emails from your constituents had to be processed through the Department of Administration.

School board members are elected officials with oversight responsibilities, and the school districts they oversee or board policy should not be permitted to restrict or prevent them from doing the job they were elected to do.

It may be hard to imagine that some education officials would withhold information from school board members, but we have seen it many times. Our recent book, [*Giving Kids a Fighting Chance with School Choice*](#), tells one story after another of education officials deceiving parents and legislators...de-emphasizing academic preparation...and even ignoring state laws designed to close achievement gaps and improve outcomes for everyone. That's why we believe the education system as a whole is more focused on sustaining the system than on the academic needs of kids.

Opponents might raise issues of local control to discourage the Legislature from intervening, but we argue that local control is about voters, not school district officials. How is the public interest served by allowing district officials or other school board members restrict a board member's ability to communicate with constituents and gather information?

Kansas has a student achievement crisis that most education officials won't admit exists, let alone take action. There are more students below grade level on the state assessment than are proficient in reading in math. The high school results shown below are especially disturbing.



While these are post-pandemic results, you should know that pre-pandemic outcomes were not much different.

Suggestions for amendments

We support HB 2382 as currently written, and we'd like to suggest two amendments to make it even better.

Section 1(e) – we are not sure this requires the public comment section to be part of the regular board meeting...and included in all recordings of meetings. Some boards now hold a public comment section outside of the board meeting to avoid comments being recorded. We suggest this second sentence be added: *Public comment time may not be held as separate meetings and it must be recorded as part of any audio or video recordings of board meetings.*

Add new Section 1(h) and rename existing Section 1(h) as 1(i) – *Emails to board members must be sent directly to them and cannot be routed through a district office or screened by district staff.*

HB 2382 ensures that school board members can effectively address achievement issues and other challenges, and we encourage the Committee to approve it with the suggested amendments.