



**KANSAS ASSOCIATION
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Oral, Opponent Testimony

Before the Senate Committee on Education

on

SB 235 - enacting the Back to School act; requiring school districts to provide for a fulltime, in person attendance option

By Mark Tallman, Associate Executive Director

February 25, 2021

Madam Chair, Members of the Committee:

Thank you for the opportunity to appear today on SB 235. We appear in opposition based on both philosophical and practical concerns about this bill.

Almost all local school board members have been frustrated by having to make difficult decisions about school operations during the COVID pandemic. While some might have welcomed more direction or control from the state, that is not the position we received from our members as we developed our legislative policies this year.

In the 2020 special session, the Legislature placed greater power for managing the COVID pandemic in the hands of local elected officials and the professionals they hire. This bill would appear to reverse that decision for school boards, even if actions by county officials are part of the reasons for board actions.

The broad language of this bill reads: "Notwithstanding any other provision of law to the contrary, on and after March 26, 2021, for school year 2020-2021 and each school year thereafter, every school district in this state shall provide a full-time, in person attendance option for every student enrolled in kindergarten or grades one through 12 in such school district."

The first issue raised in this bill is whether the Legislature should now decide that on a specific date, and then forever after, regardless of local circumstances, the option of in person learning must always be provided.

Second, this bill raises a number of concerns about local operations. We don't know if these issues are the intent of the bill, but if not, they should be clarified.

- The bill does not make any exceptions for any future pandemics, other health and safety issues, natural disasters, or any other factors that might cause schools to close. It does not appear to actually require that school districts be providing in person learning, only that in person attendance must be an option. This suggests schools could not offer learning by hybrid or

remote methods unless in person was also allowed. It appears that under this bill, NO learning would be considered a better option than some period of time when remote learning CAN be proved but in person learning is not an option.

- The bill does not appear to remove the county health department's authority to put people under quarantine orders. Without enough teachers or other staff, districts would apparently have to shut down all operations or attempt to provide in person learning without staff.
- The bill requires offering "full-time" in-person learning. That could be interpreted to include the summer (if the district offers summer school), so a parent could potentially claim that as a right to attend school full-time during the summer. For districts, teacher vacations, hours and amounts of work, etc. are all mandatorily negotiable for members of the bargaining unit. As a result, districts might have to offer full-time school hours, or not offer summer programs at all.
- The bill does not provide an exception for students who are enrolled in school but are currently suspended or expelled from school.
- Current law allows districts to provide education services who are over age 19 but have not completed high school away from the regular education setting. This allows districts to keep their adult learners out of in person learning with minors for safety and other reasons. Currently, these programs can include remote learning. This bill does not provide an exception for adult learners.

Finally, we would stress that dissatisfied parents and patrons have the same the same recourse over the actions of their local school boards as they do over their elected state and county officials: the ballot. Voters will decide later this year whether to retain or replace those who have made decisions about school operations. This bill would permanently remove options for those are elected this fall and in the future.

Thank you for your consideration.