

The House K-12 Education Budget Committee has recommended several major pieces of legislation, including the so-called parents' bill of rights measure. HB 2662 will next be considered by the full House, although when that will occur will be up to House leadership. [KASB opposes](#) this bill and encourages education leaders to contact their legislators to express concerns with this bill.

HB 2662 – Parents Bill of Rights

Sub for HB 2662 would establish the Parents' Bill of Rights and Academic Transparency Act. The bill lists a series of enumerated rights of parents, requires materials be posted on the district's website through a parent portal, requires review of library materials and revises the requirements for the administration of surveys, including tests, questionnaires, and examinations, in schools. As amended the bill makes an exception for suicide risk assessment.

Parental Rights

Statement. The bill provides a legislative statement of intent that a parent shall retain the primary role in a child's education, to obtain critical information about what is being taught or provided in the classroom and to take action when a parent feels that the quality or content of a child's education does not align with the values and expectations the parent expects and deserves. The bill would provide that a parent shall have a fundamental right to direct the upbringing, education, care and mental health of the parent's child and would establish parental rights.

Listed rights. The bill lists a series of 12 parental rights which are generally statements of intent or already established in law, and do not amend other laws.

Required local policies. The bill would require the board of education of each school district, on or before January 1, 2023, to develop policies in consultation with parents, teachers, and school administrators that would guarantee a parent's right to be involved in the child's education, including the rights to:

Be informed through the parent transparency portal or other means of notification and have the ability to inspect any materials and activities that are anticipated to be used for instruction;

Inspect and review any educational or health records that pertain to the child;

Have an opportunity to object to any learning material or activity on the basis that such material harms the child or impairs the parent's firmly held beliefs, values, or principles and withdraw such child from the activity, class, or program;

Have an opportunity to request that the school designate any book, magazine, or any other material that is made available to students in the school library as an item for which parental review is recommended as provided in the bill. Such policies and procedures would require the consideration of each such challenge and, if a challenge is upheld, such book, magazine, or other material must be so designated in accordance with the provisions of Section 2, and amendments thereto; and

Have an opportunity to challenge the material or educational benefit of any book, magazine, or any other material that is made available to students in the school library. Such policies and procedures would require the consideration of each such challenge and if a challenge is upheld, such book, magazine, or other material must be removed from the school.

Parent Transparency Portals – Required Posting

Section 2 of the bill would require the board of education of each school district, on or before July 1, 2023, to establish an internet-based parent transparency portal on the school district's website with a prominent link to the portal on the website homepage of the school district and each school that maintains its own website to provide the following information:

Bill of Rights. The Parent's Bill of Rights listed above.

Local academic learning material, activities and curriculum. A list organized by school, grade level, and area of instruction that includes the academic learning materials, activities, and curriculum that are used at each school; to include the title, author, organization, website address, and any other information necessary to identify such items.

State curriculum standards. A link to the curriculum standards established by the State Board of Education, associated with each applicable grade level and subject matter.

Social and emotional materials. A list organized by school, grade level, and area of instruction that includes the social and emotional learning materials, activities, and curriculum used for student instruction at any school of the school district; to include the title, author, organization, website address, and any other information that is necessary for the identification of such materials, activities, and curriculum.

Non-academic tests, questionnaires and surveys. A list organized by school, grade level, and area of instruction that includes the following information for each nonacademic test, questionnaire, survey, and examination referred to in KSA 72-6316, and amendments thereto, that is administered in any school of the school district: (1) A copy of each test, questionnaire, survey, or examination. (2) The name of the company or entity that produces or provides the test, questionnaire, survey, or examination. (3) An explanation of the purposes of the data collection, how the collected data is intended to be used, and whether the data will remain private or be reported as aggregate data. (4) An explanation of how such test, questionnaire, survey, or examination benefits student learning and academic achievement. (5) An explanation of whether the school district will receive or maintain the resulting data and an explanation of how the school intends to use and maintain such data.

Professional development. A list organized by school, grade level, and area of instruction, if applicable, that includes the professional development courses, training materials, and related activities that were provided or offered to any licensed teacher or administrator of the school district; to include the title, author, organization, website address, and any other information that is necessary for the identification of the courses, materials and activities.

Library materials. A link to the catalog or a list of the inventory of school library resources. Such link or catalog would be required to clearly provide whether any book, magazine, or other material is designated for “recommended parental review,” or has been placed on the books under review list in accordance with the bill; indicate whether such designation is due to sexual content, excessive profanity, or excessive violence; and provide a sample of the material that necessitates such designation.

How to review and inspect materials. Information on how a person may request and be given the opportunity to review and inspect any information that is required to be listed or referenced on the school district’s parent transparency portal; and

Parent involvement policies. The school district’s policies adopted pursuant to the bill that provide for parental involvement in a child’s education.

Review of Library Materials

The bill would require any book, magazine, or material that is made available to students in the school library to be designated as an item for which “parental review is recommended” if the item is requested to be designated as such pursuant to the policies in the bill and such item meets the standard for designation pursuant to the following definition:

“Parental review is recommended” would mean any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture, film, record, video, or any other written communication that: (1) The average person applying contemporary community standards would find, taking the material as a whole and with respect to minors, is designed to appeal or pander to the prurient interest. (2) Depicts, describes, or represents, in a manner patently offensive with respect to what is suitable to minors, an actual or simulated sexual act or sexual contact or a lewd exhibition of the genitals or post-pubescent female breast. (3) When taken as a whole, lacks serious literary, scientific, artistic, or political value for minor. (4) Contains excessive profanity. (5) Contains excessive violence.

A school district would be required to review all such library materials that are purchased on and after July 1, 2023, and establish a process to designate such materials as may be necessary. A parent would be authorized, pursuant to policies required to be adopted by school districts under the bill, to request that material be designated as material in which parental review is recommended, and the bill would require the school district to designate the item unless it unequivocally does not meet such criteria.

Deadlines and Process for Posting Materials

Known materials at the beginning of the year. Each school district would also be required to post any learning materials, activities, curriculum, and any other

information required to be listed or provided pursuant to the bill prior to the first day of school if such school district knows that such materials, activities, curriculum, or information (materials) will be used during the upcoming school year.

Updating materials. For any learning materials that are not listed or provided on the parent transparency portal at the beginning of the school year, each school district must cause any such materials to be listed or provided on an ongoing weekly or monthly basis during the school year as such materials are presented or provided to students. For the purpose of making ongoing weekly and monthly updates, a school district would be permitted to use collaborative online document or spreadsheet software that allows multiple users to update or make additions to content on an ongoing basis as long as the contents of such online document or spreadsheet are made available on the parent transparency portal.

Final posting. The bill would require all such information required to be listed or provided on the parent transparency portal in a school year to be finalized and completed by June 30 of such school year. Once posted, all such information would be required to be maintained on the website for at least two years.

Assistance and Enforcement

The bill would authorize the Kansas State Department of Education to provide guidance and assistance to school districts regarding the establishment and maintenance of the transparency portals.

The bill would also authorize the Attorney General, or the city, county, or district attorney or a resident of the school district in which the school is located to bring a suit for injunctive relief or a writ of mandamus to compel a school district to comply with the requirements of the parent transparency portal. If a resident of a school district prevails in such an action, the court shall award such resident reasonable attorney fees not exceeding \$15,000.

Teacher Evaluations

The bill would amend state law relating to teacher evaluation policies at school districts to provide that no teacher who is subject to such evaluation shall be negatively evaluated or have such person's contract non-renewed on the basis of

such teacher's refusal to teach through critical pedagogy philosophies or against such person's sincerely held religious beliefs.

Surveys

The bill would revise the requirements for the administration of surveys, including tests, questionnaires, and examinations in schools. The bill would provide additional requirements for the administration of surveys that contain questions about the personal and private attitudes, values, beliefs, or practices of the student or any of the student's family, friends, or peers.

Deadline for prior notice. Prior to the administration of any such survey, the bill would require the school to provide prior written notification to the parent or guardian no more than four months in advance of the administration of the survey.

Content of notice. The written parental notification would be required to include the following information: (1) A copy of the survey. (2) Information on how the parent can provide written consent for the student to participate. (3) The name of the company or entity that produces or provides the survey. (4) An explanation of the purpose of the data that is collected, how the data is used, and whether the data will remain private or be reported as aggregate data. (5) An explanation of how such survey benefits student learning and academic achievement. (6) Whether the school will receive or maintain the resulting data and how the school will use such data.

The bill would provide that a parent's written consent could only be accepted by a school after the parent receives the required notification and has had an opportunity to review the information in such notification. A separate notification would be required for each survey, and the parent's written consent would be required upon each notification for a student to participate.

Student opt-out. Even if a parent provides written consent, a student may refuse to take such survey and not suffer any adverse consequences for the decision. Prior to the administration of any survey, students must be informed of their right to refuse.

No embedding in academic or identifiable data. The bill would require each school to post and maintain copies of each survey that is administered in the school

district. The bill would require copies to be posted on the school district website and updated as necessary. The bill would also provide that no such survey shall be incorporated or embedded in any academic program, course, or curriculum offered or provided by a school district. Additionally, the bill would prohibit the collection of any personally identifiable student data on any such survey.

Counselor exception, suicide risk assessment. The bill removes the school counselor exception so that the requirements of the bill would apply to counseling services. The bill makes an exception for students who may be at risk of suicide based on credible reports, who may be given a risk assessment or screening. Designated school personnel must attempt to contact parents before giving such assessment. If unable to do so after reasonable attempts, the assessment may be given, with the information shared with parents.