



**Opponent Testimony on HB 2700
For the House Education Committee
February 14, 2024
Judith Deedy
On behalf of Game On for Kansas Schools**

Chair Thomas, members of the committee, thank you for the opportunity to testify in opposition to HB 2700 on behalf of Game On for Kansas Schools, a grassroots public education advocacy organization. This bill improperly usurps the roles of school librarians, local boards of education and the State Board of Education and politicizes library books.

The makeup of the task force in HB 2700 is designed to give people who have a restrictive view about what books are appropriate for school libraries a majority. Over the past couple of years, we have seen a number of people who improperly label books in school libraries as pornography or otherwise inappropriate and have a highly restrictive view of what our school libraries should contain. Current legislative leadership unfortunately appear to fall into that category. They are given the chair and vice chair positions on this committee as well as 5 of the 9 seats on the task force. The State Board of Education only gets one appointment, and the Kansas association of school librarians only gets one appointment. It seems particularly troubling that a task force about school library books would only have one school librarian voice on it. The composition of the task force is likely to lead to a politicized and non-representative process.

This is particularly problematic because the task force is to create a rating system that will be mandatorily imposed on the State Board of Education and every district in the entire state. The rating system isn't just to sort books by levels of content but to actually judge whether they are appropriate for students. We have local boards of education, and the appropriateness of books in the library is an assessment that is particularly within the purview of local boards. We note that in November of 2023, many districts throughout the state had school board candidates with narrow views of what our school libraries should contain, and those candidates lost in a majority of districts throughout

the state. This bill ignores the outcomes of those elections. We should let local boards decide what is and is not appropriate for their own communities rather than dictating that from a non-representative task force.

This task force isn't just to come up with recommendations for the State Board, but is to draft a rating system that the State Board then shall distribute to each school district. Those boards then shall adopt policies and procedures for the implementation of the rating system as handed down by the task force. They are given no discretion on whether or not to adopt that particular rating system. The bill even appears to contemplate that local districts may not be eager to adopt the policy being imposed on them, as there is a further requirement that the State Board submit a report to the governor and legislature on the status of the implementation by school districts. **This is an inappropriate usurpation of the roles of the State Board of Education and local school boards.**

This bill is unnecessary. Parents can already easily access lists of books in their school libraries. They can search multiple resources on the internet to learn more about those books. Certain groups even publish lists of books they think shouldn't be in school libraries. If a parent shares their view, they can quite easily read those lists, and request that their child not be given access to them. Additionally, discussions on books in school libraries seem to devolve into misinformed conversations on pornography and obscenity. To be clear, pornography and obscenity aren't in our school libraries. Pornography is actually defined as sexually explicit material with a primary purpose to arouse. Books in schools are not pornography, and people need to stop using that term inappropriately. Obscenity is defined in KSA 21.6401 by a 3-part test.

- (A) The average person applying contemporary **community standards** would find that the material or performance, taken as a whole, appeals to the prurient interest;
- (B) the average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of:
 - (i) Ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or
 - (ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; **and**
- (C) taken as a whole, a **reasonable person** would find that the material or performance **lacks serious literary, educational, artistic, political or scientific value** (emphasis added).

Books in our schools, particularly in our middle and high schools, may describe realities some of our teens are experiencing, may contain sexual content but that does not make them pornography or obscene. These books are in our libraries because they have literary merit, have won awards and/or appeal to some students. Some people may not want their children reading those books, but that's why our districts have policies allowing parents to exempt their children from reading them. There is no need to have a statewide mandatory policy addressing this topic.

This bill also seems to be a first step to a statewide ban of certain books. Since the role of the task force isn't just to rate books based on content but on the appropriateness of materials, it seems logical to assume the task force plans to rate some books as not appropriate. We can see the headlines now: "Kansas school libraries contain [insert number] inappropriate books." Will the headline add "as determined by a group of 5 people?" We suspect not. Instead, schools will then be pressured to remove the books from their libraries even though their local communities may support their inclusion.

Thank you for your consideration of the significant issues with HB 2700. We urge you to oppose this bill and leave evaluation of school library books to the local communities.