



SHAWNEE MISSION SCHOOL DISTRICT

January 29, 2020

House Judiciary Committee

Written Testimony in Opposition to House Bill 2461.

Chairman Patton and Members of the Committee:

The Shawnee Mission School District (SMSD) presents the following testimony in opposition to House Bill 2461. The district believes this bill undermines the authority of the locally elected representatives of the citizens of the district, the Shawnee Mission Board of Education. The proposed limitations in House Bill 2461 place constraints on the ability of the elected Board to address issues of importance to their patrons.

The Shawnee Mission School District legislative platform reflects the policy priorities of the Board and the District. The approved 2020 legislative platform asserts: "SMSD supports policies that maintain local non-partisan democratic control over public education in Kansas." The locally elected board of education is tasked with representing the interests and well-being of the students that reside within its boundaries.

Last fall, the SMSD Board of Education voted to authorize participation in a nationwide lawsuit against Juul Labs, the leading maker of e-cigarettes, for deliberately targeting children in the advertising of its vapes and other electronic delivery products. In addition to seeking to force Juul Labs to desist from marketing tactics aimed at young people, the suit seeks to ensure that resources are available across Kansas to address the serious impact of the growing vaping epidemic. This is exactly what the patrons of the district expect the Board, as their representatives, to do.

House Bill 2461 would pre-empt municipalities from signing any contingency fee agreement without the Attorney General's consent. There are very few policy or fiduciary arguments for local jurisdictions to concede to a state official their legal rights to act on behalf of their constituents. While supporters of this legislation might argue "this state official will certainly allow legitimate contingency action," the duty of discerning what actions are in the best interest of the Shawnee Mission School District community belongs to the Board of Education, and the district stands solidly in opposition to any legislation that would keep the Board from fulfilling its obligation to the community.

If I can provide any additional information or answer questions, please do not hesitate to contact me.

A handwritten signature in black ink that reads "David A. Smith".

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