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October 16, 2026

ATTORNEY GENERAL OPINION NO. 2026-11

Honorable Kenny Titus
State Senator, 18th District
Capitol Building, Room 124 East
Topeka, Kansas 66612

Re: Schools—School District State Aid—School District Accreditation
System; Rights of Nonpublic Schools

Schools—Prohibition on the Use of Personal Electronic Communication
Devices During the School Day; Secure Storage

Synopsis: Backpacks and lockers that are accessible to students during the
school day do not satisfy HB 2299's minimum requirements for the
secure storage of personal electronic devices.

HB 2299 amends K.S.A. 72-5170 to provide that "[e]ach nonpublic
school accredited by a regional or national accrediting agency
recognized by the state board of education shall be entitled to the same
rights as nonpublic schools accredited by the state board of education."
This provision is not limited to matters related to the personal
electronic device ban found in other provisions of the bill.

Cited herein: 2026 Senate Substitute for House Bill 2299; K.S.A. 72-
5170.

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Dear Senator Titus:

As State Senator for the 18th District, you ask two questions about 2026 Senate Substitute for House Bill 2299 (HB 2299). First, you ask about the minimum requirements under HB 2299 for the secure storage of students' personal electronic devices during the school day, specifically whether HB 2299 allows for the storage of those devices in students' lockers or backpacks. Second, you ask whether section 7, paragraph 5, of HB 2299 applies broadly to all matters regarding the accreditation of nonpublic schools by regional or national accrediting agencies or whether it applies to such schools only in matters related to the personal electronic device ban found in other sections of the bill.

Secure Storage of Personal Electronic Devices

Section 2(a)(2) of HB 2299 requires each board of education of a school district and governing authority of an accredited nonpublic elementary or secondary school to adopt policies and procedures that, among other things, "require that all personal electronic communication devices be turned off and securely stored away from the student's person in an inaccessible location during the school day." This statute provides two minimum requirements for the secure storage of personal electronic devices during the school day: (1) the devices must be stored "away from the student's person," and (2) the devices must be stored in an "inaccessible location."

In interpreting this provision, we "begin with the plain language of the statute, giving common words their ordinary meaning."¹ If the statute is plain and unambiguous, we "should not speculate about the legislative intent behind that clear language" or read "something into the statute that is not readily found in its words."²

You ask whether the storage of personal electronic devices in students' backpacks and lockers would satisfy HB 2299. Assuming students carry their backpacks at some point during the school day, storage in backpacks is not "away from the student's person." In addition, students' backpacks are generally accessible to students during the school day, so personal electronic devices would not be stored in an "inaccessible location." Storage of personal electronic devices in students' backpacks therefore would not meet the minimum requirements of HB 2299 unless the backpacks themselves were stored away from the students' persons in an inaccessible location during the entire school day.

Lockers that students are allowed to open during the school day also do not satisfy HB 2299's minimum storage requirements. HB 2299 defines "[s]chool day" to mean

¹ *Johnson v. U.S. Food Serv.*, 312 Kan. 597, 600-01, 478 P.3d 776 (2021).

² *Id.*

“the time from the start of school until dismissal at the end of the day on the school premises, including, but not limited to, the time in any classroom, structured or unstructured learning setting, recess, lunch or passing period.”³ Thus, if students are allowed to retrieve items from their lockers during the school day, including during passing periods, personal electronic devices stored in those lockers would be accessible to students, not stored in an “inaccessible location.” Storage in student lockers would satisfy HB 2299 only if the students are not allowed to open their lockers during the school day.

Rights of Nonpublic Schools

HB 2299 also amended K.S.A. 72-5170 to add the following paragraph:

Any nonpublic school operating in Kansas may voluntarily seek accreditation by the state board of education. Any nonpublic school accredited by the state board of education may also be accredited by a regional or national accrediting agency. Each nonpublic school accredited by a regional or national accrediting agency recognized by the state board of education shall be entitled to the same rights as nonpublic schools accredited by the state board of education. Accrediting agencies recognized by the state board of education on or before March 1, 2026, shall not lose such recognition unless approved by the legislature.⁴

Your question relates specifically to the sentence providing that “[e]ach nonpublic school accredited by a regional or national accrediting agency recognized by the state board of education shall be entitled to the same rights as nonpublic schools accredited by the state board of education.” You ask whether this provision is limited to matters relating to the device ban found in other sections of the bill or whether it applies more broadly.

As noted above, “[w]hen a statute is plain and unambiguous, [courts do] not speculate about the legislative intent behind that clear language” and “refrain from reading something into the statute that is not readily found in its words.”⁵ The statutory provision in question here applies to “[e]ach nonpublic school accredited by a regional or national accrediting agency recognized by the state board of education.”⁶ It is not limited to schools that ceased being accredited by the State Board of Education due to the device ban in HB 2299. The amendment also provides that those schools shall have “the same rights” as nonpublic schools accredited by

³ HB 2299, § 2(d)(3).

⁴ HB 2299, § 7(a)(5).

⁵ *Bruce v. Kelly*, 316 Kan. 218, 224, 514 P.3d 1007 (2022) (citing *Johnson v. U.S. Food Service*, 312 Kan. 597, 600-01, 478 P.3d 776 (2021)).

⁶ Emphasis added.

the State Board of Education. Nothing in the plain text of this provision limits the scope of these “rights” to matters related to the device ban, and it would be inappropriate to read such a limitation into the text of the statute when it does not appear there. Rather, HB 2299 provides nonpublic schools accredited by recognized accrediting agencies with *all* the “rights,” whatever they may be,⁷ that nonpublic schools accredited by the State Board possess.

You note that others have cited statements from the Senate floor debate in support of interpreting section 7 of HB 2299 as limited to matters relating to the device ban. We do not believe the legislative history yields a clear indication of legislative intent. But more importantly, courts consider legislative history to interpret a statute only when the statute is ambiguous, and even then, only to resolve any textual ambiguity, not to read words into the statute that are not found there.⁸

In short, section 7 of HB 2299 provides nonpublic schools accredited by a regional or national accrediting agency recognized by the State Board of Education with the same rights as nonpublic schools accredited by the State Board.

Sincerely,

/s/ Kris W. Kobach

Kris W. Kobach
Attorney General

/s/ Dwight R. Carswell

Dwight R. Carswell
Deputy Solicitor General

⁷ You state that the question of what specific rights this section provides is beyond the scope of your request, so we do not address that question.

⁸ *Zaragoza v. Bd. of Cnty. Comm’rs*, 320 Kan. 691, 699, 571 P.3d 545 (2025).