

HOUSE BILL No. 2460

By Committee on Appropriations

3-16

1 AN ACT concerning postsecondary educational institutions; prohibiting
2 such institutions from certain actions concerning diversity, equity,
3 inclusion or patriotism, exceptions; providing for civil remedies and
4 penalties.

submitting a report to the legislature; posting
information on the state board of regents website

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) No postsecondary educational institution shall
8 condition admission or educational aid to an applicant for admission, or
9 hiring, reappointing or promoting a faculty member, on the applicant's or
10 faculty member's pledging allegiance to or making a statement of personal
11 support for or opposition to any political ideology or movement, including
12 a pledge or statement regarding diversity, equity, inclusion, patriotism or
13 ~~related topics~~, or to request or require any such pledge or statement from
14 an applicant or faculty member.

or

15 (b) If a postsecondary educational institution receives a pledge or
16 statement describing a commitment to any particular political ideology or
17 movement, including a pledge or statement regarding diversity, equity,
18 inclusion, ~~patriotism or related topics~~, such institution may not grant or
19 deny admission or educational aid to a student, or hire, reappoint or
20 promote a faculty member, on the basis of the viewpoints expressed in the
21 pledge or statement.

22 (c) Nothing in this section shall:

23 (1) Prohibit such institution from requiring a student, faculty member
24 or employee to comply with federal or state law, including anti-
25 discrimination laws, or from taking action against a student, faculty
26 member or employee for violations of federal or state law;

27 (2) be construed to limit or restrict the academic freedom of faculty or
28 to prevent faculty members from teaching, researching or writing
29 publications about diversity, equity, inclusion, patriotism or other topics; or

30 (3) prohibit such institution from considering, in good faith, a faculty
31 member's scholarship, teaching or subject-matter expertise in such faculty
32 member's academic field.

33 (d) Each institution shall post and make publicly available on such
34 institution's website all training materials used for students, faculty and
35 staff on all matters of nondiscrimination, diversity, equity, inclusion, race,
36 ethnicity, sex or bias and all of such institution's policies and guidance on

who believes their

1 such matters.

2 (e) Any person whose rights were violated through a violation of this

3 section may ~~bring an action against a postsecondary educational~~

4 ~~institution, and such institution's agent acting within such agent's official~~

5 ~~capacity, in a state or federal court of competent jurisdiction to receive~~

6 ~~declaratory relief or enjoin a violation of this section.~~

7 (f) ~~If a court finds a violation of this section, the court shall provide a~~

8 ~~prevailing plaintiff appropriate equitable remedies and award damages,~~

9 ~~reasonable court costs and attorney fees.~~

10 (g) ~~The attorney general may file suit to enjoin a policy or practice~~

11 ~~prohibited by this section.~~

12 (h) If a postsecondary educational institution, or any of such

13 institution's agent acting within such agent's official capacity, are found by

14 a court or the institution to have violated this section, the institution may

15 take disciplinary action against the responsible agents in accordance with

16 the institution's policies and procedures.

17 (i) ~~In addition to any relief under this section, the state treasurer shall~~

18 ~~impose an administrative penalty of \$100,000 against a postsecondary~~

19 ~~educational institution for each violation of this section. Any action taken~~

20 ~~under this section that imposes any administrative penalty shall be taken~~

21 ~~only after notice and an opportunity for a hearing conducted in accordance~~

22 ~~with the provisions of the Kansas administrative procedure act. The state~~

23 ~~treasurer shall certify to the director of accounts and reports any penalty~~

24 ~~assessed pursuant to this subsection. Upon receipt of each such~~

25 ~~certification, the director of accounts and reports shall transfer from the~~

26 ~~state general fund account or special revenue fund of the violating~~

27 ~~postsecondary educational institution to the state general fund account or~~

28 ~~special revenue fund of a postsecondary educational institution that is not~~

29 ~~currently in violation of this section and has not violated this section~~

30 ~~during the preceding two fiscal years as determined by the state treasurer,~~

31 ~~in consultation with the director of the budget.~~

32 (j) As used in this section, "postsecondary educational institution"

33 means any public university, municipal university, community college and

34 technical college and includes any entity resulting from the consolidation

35 or affiliation of any two or more of such postsecondary educational

36 institutions.

37 (k) If any provision of this act or application thereof to any person or

38 circumstance is held invalid, such invalidity shall not affect other

39 provisions or applications of this act that can be given effect without the

40 invalid provision or application, and to this end, the provisions of this act

41 are declared to be severable.

42 Sec. 2. This act shall take effect and be in force from and after its

43 publication in the statute book.

file a complaint with the state board of regents. The board shall investigate the complaint to determine whether a violation of this section has occurred. Such investigation shall be complete within 45 days after the date of the receipt of the complaint. If the board determines, after investigation, that a postsecondary educational institution has violated this section, the institution shall remedy the violation within 90 days after the date of such determination. If the institution fails to remedy the violation within 90 days, the board shall report the matter to the attorney general, who may file an action in district court against the institution for declaratory relief or enjoin the violation.

(f) If the board determines, after investigation, that the institution has not violated this section, the person who believes their rights were violated may file a complaint with the attorney general, who shall investigate the complaint to determine whether a violation of this section has occurred. Such investigation shall be complete within 45 days after the date of the receipt of the complaint. If the attorney general determines, after an investigation, that a postsecondary educational institution has violated this section, the institution shall remedy the violation within 90 days after the date of such determination. If the institution fails to remedy the violation within 90 days, the attorney general may file an action in district court against the institution for declaratory relief or to enjoin the violation.

(g) An action under this section shall be filed in the district court of the county where the postsecondary educational institution's primary campus is located. The district court of any county shall have jurisdiction to enforce any order or finding of violation. If the district court finds that a postsecondary educational institution has violated this section, the district court shall enter an order:

- (1) Requiring the institution to comply with this section;
- (2) imposing a civil penalty in an amount not more than \$10,000 for each violation; and
- (3) requiring the institution to pay the attorney general's expenses and costs incurred in enforcing the violation, if the court finds that the institution's violation was not made in good faith and was made without a reasonable basis in fact or law.

(h) Notwithstanding the provisions of K.S.A. 20-350, and amendments thereto, any civil penalty assessed by the district court shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state board of regents state scholarship program account of the state general fund.

(i) On or before January 12, 2026, and the first day of each regular session of the legislature thereafter, the state board of regents shall submit a report to the legislature on the following matters that occurred in the previous fiscal year: Number of complaints filed with the state board of regents; outcomes of the board's investigations; number of complaints filed with the attorney general; outcomes of the attorney general's investigations; number of cases filed in district court; outcome of the cases filed; number and dollar amounts of civil penalties; enforcement expenses and costs of the attorney general; and any other information concerning violations of this section deemed pertinent by the board.

(j) Within 10 days after a determination by the board on whether a violation of this section has occurred, the board shall post on the board's website the findings and outcomes of the investigation and determination on each complaint filed. Such post shall not contain any personal identifiable information concerning the complainant.

Reletter subsections accordingly.