

Conferee: AFT-Kansas (American Federation of Teachers–Kansas)

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Bill/Topic: HB 2428 — higher-ed curricula mandates; DEI/CRT limits; freshman “free-speech” orientation

Position: Opponent (written)

Date: January 27, 2026

Committee: Kansas House Committee on Education Chair Estes, Vice Chair McNorton, Ranking Member Stogsdill, and Members of the Committee:

AFT-Kansas represents faculty, graduate employees, staff, and K-12 educators across Kansas. **We oppose HB 2428** because it undermines—not strengthens—free speech and academic freedom on our campuses.

Kansas students learn best in a university environment where open inquiry, viewpoint diversity, and robust debate are actively protected. **The Supreme Court has long described universities as the “marketplace of ideas,”** and has warned against putting higher education in a “straitjacket” that polices lawful expression (see *Healy v. James* and *Sweezy v. New Hampshire*). Academic freedom—recognized in cases like *Keyishian v. Board of Regents*—is not a perk for professors; it is the mechanism by which students encounter contested ideas and learn to reason through them. **When the State prescribes course content, dictates titles, or targets disfavored topics, it replaces viewpoint-neutral protection with viewpoint-based control. That is the core free-speech problem in HB 2428.**

Three speech harms deserve emphasis:

Viewpoint discrimination. By singling out “DEI/CRT-related” content for different treatment, the bill places the State’s thumb on the scale of academic discourse. The First Amendment forbids government from penalizing or privileging ideas because of their viewpoint. In practice, faculty and students will self-censor rather than risk complaint or sanction, and legitimate scholarly and instructional speech will be chilled.

Prior restraint & chilling effects. Transferring curriculum and course-title decisions from established faculty governance into statute functions as a prior restraint on lawful speech. The predictable result is fewer controversial readings, fewer difficult conversations, and fewer opportunities for students to practice civil disagreement. That chill will extend beyond the humanities to fields like business ethics, health disparities, public administration, and criminal justice—areas where real-world complexity demands frank, evidence-based discussion.

Compelled speech risks. The bill’s mandated freshman “free-speech orientation” may sound benign, but when the State scripts how campuses must teach about expression, it risks compelled speech—especially if the program privileges certain viewpoints or requires faculty to adopt state-authored messages. Free speech education is most credible when it is content-neutral, institution-implemented, and grounded in existing policy and law, not when it is legislated as a one-size-fits-all script.

There are also practical free-speech consequences for Kansas. Faculty recruitment and retention depend on a clear, stable speech climate. When statutes police content and titles, candidates perceive risk and choose to work—and publish—elsewhere. Students, too, vote with their feet. **A reputation for censorship or politicized oversight narrows our talent pipeline in precisely the fields Kansas needs most.** And because the bill’s key terms are vague, institutions will face ongoing disputes about what is or isn’t “related” to a proscribed topic—inviting litigation that diverts time and dollars from teaching and student support.

Kansas already possesses the tools to protect free expression: constitutional guarantees, Board of Regents policy, and campus-level codes that safeguard speech while preserving order. The right free-speech posture for government is viewpoint neutrality—protecting the space for debate, not predetermining which ideas may inform a syllabus or count toward a degree. HB 2428 reverses that posture. It politicizes the classroom and places elected officials—of any party—in the role of speech referee.

For these reasons, and out of a principled commitment to free speech, academic freedom, and students’ right to encounter and test difficult ideas, **AFT-Kansas respectfully urges a Do Not Pass recommendation on HB 2428.**

Thank you for your time and your service to Kansas higher education.