



# AMERICAN ATHEISTS

February 4, 2026

The Honorable Sen. Renee Erickson  
Chair, Senate Education Committee  
300 SW 10th Avenue  
Topeka, Kansas 66612

**Re: OPPOSE SB 419, Allowing State-Endorsed Discrimination Against Students**

Dear Chairperson Erickson and Members of the Senate Education Committee:

American Atheists, on behalf of its constituents in Kansas, writes in opposition to SB 419, legislation that threatens universities' ability to protect students from discrimination under the pretext of affirming students' religious rights. As written, this bill would allow members of student organizations to discriminate against their classmates using taxpayer dollars. Rather than protect the First Amendment rights of Kansas students, SB 419 would open the floodgates to state-endorsed discrimination against members of the LGBTQ+ community, racial minorities, and anyone who does not practice the dominant religion on their campus. We strongly urge you to protect Kansas college campuses by rejecting this bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation's communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. American Atheists believe no young person should be denied educational opportunities due to the religious beliefs of others.

The majority of public colleges and universities within the US have rules in place that require student organizations to comply with the institution's non-discrimination policy, which generally prohibits discrimination based on race,

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225 Cristiani Street • Cranford, NJ 07016-3214  
(908) 276-7300 • [www.atheists.org](http://www.atheists.org)

sex, disability, sexual orientation, religion, and other categories.<sup>1</sup> The U.S. Supreme Court has endorsed this practice as constitutional and in alignment with First Amendment principles of freedom of speech and of assembly.<sup>2</sup>

These policies are important because they create an open atmosphere on campuses and foster freedom of speech by prohibiting discrimination and allowing every student to participate fully in student organizations. Research shows that participation in student organizations contributes to overall student satisfaction and success.<sup>3</sup> These organizations provide opportunities for peer-to-peer connection, reduce isolation, develop leadership skills, and relieve stress.<sup>4</sup> Because of these benefits, and to foster student engagement, most public colleges and universities strive to offer a variety of student organizations and to encourage students to participate. On the other hand, if student organizations are allowed to discriminate, it limits the ability of disfavored students (whether due to their religion, sex, sexual orientation, disability, or race) from fully participating in campus life.

SB 419 would roll back these vital protections by stripping colleges and universities of the ability to enforce nondiscrimination policies within student organizations. By restricting administrators' ability to enforce inclusive policies, this bill would grant student organizations broad license to exclude potential members, impose

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<sup>1</sup> For example, Campus Pride has identified over 1,000 public and private institutions of higher education that prohibit discrimination on the basis of sexual orientation and gender identity. Genny Beemyn, *Colleges and Universities with Nondiscrimination Policies that Include Gender Identity/Expression*, Campus Pride (last updated July 29, 2024), <https://www.campuspride.org/tpc/nondiscrimination/>.

<sup>2</sup> *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010).

<sup>3</sup> See, e.g., Colleen Flaherty, *Getting More Students Involved*, Inside Higher Ed (Nov. 3, 2023), <https://www.insidehighered.com/news/student-success/college-experience/2023/11/03/survey-getting-more-college-students-involved> (student involvement with extracurricular activities on campus is positively linked to student performance, ability to make social connections, and students' overall satisfaction with campus engagement).

<sup>4</sup> Johanna Alonso, *The New Plague on Campus: Loneliness*, Inside Higher Ed. (Nov. 8, 2023), <https://www.insidehighered.com/news/students/physical-mental-health/2023/11/08/new-epidemic-gripping-college-campus-loneliness> (student organizations are a vital part of combatting the loneliness epidemic amongst college students because of the connections the groups provide their members); *12 Reasons Why You Should Join a Student Organization*, Bentley Univ. (Dec. 20, 2022), <https://www.bentley.edu/news/12-reasons-why-you-should-join-student-organization> (student organizations provide opportunities for members to develop the soft skills necessary to become an effective leader and allow students to reduce stress while connecting with like-minded individuals).

discriminatory and harmful rules, and potentially sanction harassment. In fact, this bill would likely conflict with federal and state laws that prohibit discrimination on college campuses, including Title IX of the Education Amendments of 1972<sup>5</sup> and Title VI of the Civil Rights Act of 1964.<sup>6</sup> Based on this language, for example, a “College Christian Club” could form and exclude Jewish students, Black students, and even Christians with differing beliefs, such as Mormons or Catholics, or those they deem insufficiently pious.<sup>7</sup> Such exclusionary practices would inherently be carried out using public funding and the financial contributions of the very students targeted for exclusion. By framing this bill as a protection of free speech and framing it in terms of discrimination *against organizations* (for failing to comply with the rules), the bill masks the fact that it is simply authorizing discrimination *against other students*.

College and university administrators — not lawmakers — are best suited to make decisions that will impact campus culture. Institutions of higher education should not be forced to adhere to top-down, one-size-fits-all mandates that dramatically impact their day-to-day operations and force them to leave large portions of their student body unprotected against discrimination. Instead, Kansas colleges and universities should be free to set appropriate nondiscrimination rules for their campus to ensure all students — regardless of their background — are respected.

Finally, SB 419 would make Kansas public institutions of higher education less competitive compared to those of other states and private institutions, as students are much less likely to attend institutions where they could face discrimination, harassment, or exclusion.<sup>8</sup> During a time when many Kansas higher education

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<sup>5</sup> 20 U.S.C.A. §§ 1681-1688.

<sup>6</sup> 42 U.S.C.A. §§ 2000d, et seq.

<sup>7</sup> Religious belief has been used to justify discrimination against racial minorities, the LGBTQ+ community, and women. See, *Zawadski v. Brewer Funeral Services*, Lambda Legal (last visited Mar. 5, 2025), [https://legacy.lambdalegal.org/in-court/cases/ms\\_zawadski-v-brewer-funeral-services](https://legacy.lambdalegal.org/in-court/cases/ms_zawadski-v-brewer-funeral-services) (funeral home refused service to a gay man citing religious beliefs); *Roberts v. United States Jaycees*, 468 U.S. 609 (1984) (a nonprofit organization limited its membership to just men, claiming that admitting women would violate the organization’s First Amendment Rights); 110 Cong. Rec 7778 (1964) (remarks of Sen. Tower) (claiming Civil Rights laws would force businesses to serve Black Americans contrary to those businesses’ religious beliefs).

<sup>8</sup> Lexi Lonas Cochran, *Colleges Left Helpless as Students Rule Out Schools Due to State Politics*, The Hill (Oct. 24, 2024),

<https://thehill.com/homenews/education/4949458-colleges-state-politics-texas-florida-california-new-york-alabama/> (an increasing number of prospective undergraduate students base the

institutions are struggling to attract and retain students, lawmakers should focus on enacting policies that will attract – not repel – new students.

Public colleges and universities should be welcoming places for all of Kansas's students – not ones where student groups are given free rein to discriminate against fellow students using taxpayer dollars. Should you have any questions regarding American Atheists' opposition to SB 419, please contact me at [vanderson@atheists.org](mailto:vanderson@atheists.org).

A handwritten signature in cursive script that reads "Victoria Anderson".

Sincerely,

Victoria Anderson  
State Policy Specialist  
American Atheists

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decision on where to attend college on whether a particular state guarantees certain protections, including LGBTQ+ nondiscrimination protections and reproductive rights).