



Opponent Testimony of SB419
For the Senate Education Committee
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Chair Erickson and Members of the Committee,

Thank you for the opportunity to provide opponent testimony on Senate Bill 419.

Mainstream was founded over 30 years ago by faith and community leaders who warned about the intrusion of narrow, extremist religious views into our government and public institutions. In the following decades, Mainstream members have fought to protect our religious freedoms and maintain strong church-state separation because Kansans value their freedom to live as they see fit without the overreach of government or religion into their personal lives.

Supporting free speech on our college and university campuses is to be commended – as long as that free speech does not enter into the few areas of unprotected speech such as discriminatory harassment.¹ The right of the students, faculty, and staff to gather and participate in “expressive activity” is also one that Mainstream and our members believe is foundational to our First Amendment rights.

Mainstream OPPOSES SB419 for going beyond the protection of First Amendment rights of assembly, speech, and religion and instead creating a hostile environment for colleges and universities to navigate:

- 1. SB419 may unintentionally endorse discriminatory practices among student groups and extend the protection of religious freedom to potentially harmful “ideological associations.”**

Sec 3 amends K.S.A. 60-5312 & 60-5313 to extend protections for a “religious student association” to any “religious, political or ideological student association” and empowers leadership to act on behalf of “sincerely held religious, political or ideological beliefs, values or mission.” This opens the door to discrimination against students wishing to participate in associations that disqualify membership based on such ideological beliefs.

¹“Discriminatory harassment” is legally defined in *Davis v. Monroe County Bd. of Ed* as conduct so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit and based on protected characteristics.

SB419 appears to circumvent the legal precedent that recognized student organizations of public colleges and universities must “take all comers.”² This could, for instance, allow a Christian student group to deny admission or leadership positions to Christian women students if their “sincerely held beliefs” include positions against women in leadership positions. This discriminatory behavior could restrict membership based on this singular value, even if the student shares all other Christian values held by the student group.

Likewise, the bill fails to include a nondiscrimination clause stating that groups causing campus disruption or interfering with the rights of others are not permitted. Without a clear definition of “Ideological beliefs, values or mission” this bill could require postsecondary educational institutions to accept and provide benefits, such as student fees, to groups with the sole purpose of promoting beliefs such as white nationalism, antisemitism, and more. This is a dangerous precedent to fund discriminatory behavior of student groups with public student fees.

Simply put, SB419 prioritizes the belief of some students over the rights of others.

2. SB419 feeds the narrative that public colleges and universities are not to be trusted.

SB419 requires that postsecondary educational institutions submit an annual report to the governor, legislature, and the public, that includes descriptions of any “incidents of disruptions of expressive activity on campus, including, but not limited to, attempts to block or prohibit speakers and investigations into any speech by students or student associations...[including] any disciplinary action taken against the campus community.” This mandatory report will be posted on the institution's website “for the public to evaluate whether free expression rights of all members of the campus community have been equally protected and enforced as provided in this act.”

SB419 creates an open invitation for outside special interest groups, fed by the trends of social media and other news sources, to investigate our colleges and universities. In addition to potentially creating an administrative burden, this can lead to misinformed conclusions, accusations, and even threats against the campus community, including the very students this bill intends to protect.

3. SB419 attempts to solve a real problem with partisan solutions.

Numerous studies have illuminated the skew towards liberal beliefs within college and university faculty, students, and administrations while failing to identify solutions that are not based in partisan arguments. Our campuses should be safe places for the free

² Christian Legal Society v. Martinez (2010)

exchange of diverse ideas, and we should make efforts to ensure that the campus community has equal opportunity to those ideas.

But the argument that conservative viewpoints are being forced out of these settings is a heightened, partisan narrative that willfully ignores facts and the current political climate. In the 2026 College Free Speech Rankings reported by FIRE (Foundation for Individual Rights and Expression), President and CEO Greg Lukianoff said “this year, students largely opposed allowing any controversial campus speaker, no matter that speaker's politics. Rather than hearing out and then responding to an ideological opponent, both liberal and conservative college students are retreating from the encounter entirely.”³ Even in 2020, FIRE found that students reported self-censorship across the political spectrum, with 73% of “strong republicans” and 52% of “strong democrats” reporting that they didn’t feel comfortable expressing their opinion. Regardless of political ideology, black students were most likely to report an instance where they censored themselves (63%).⁴

SB419 exaggerates the partisan nature of the problem of free speech on campuses through solutions that cite the legacy of Charlie Kirk and Turning Point USA. The murder of Charlie Kirk was a tragic act of political violence. We can and should acknowledge the horror of his death, and also respectfully disagree on how he and his legacy are commemorated.

By basing statute on a highly partisan public figure and organization, SB419 amplifies the argument that only conservative viewpoints are not welcome on campuses. The example cited in the opening of the bill, Kirk’s 2024 speaking engagement at Kansas State University, lacks the full context of the situation and campus policy.⁵ Under the very language of SB419, the university action was appropriate. By only naming the perceived violation in this example, and not the full context, **this bill participates in the very problem it is trying to solve: it brings an overly partisan solution to a problem that requires a content-neutral approach.**

³ 2026 College Free Speech Rankings: America’s colleges get an ‘F’ for poor free speech climate, FIRE (Foundation for Individual Rights and Expression), <https://www.thefire.org/news/2026-college-free-speech-rankings-americas-colleges-get-f-poor-free-speech-climate>

⁴ Largest ever free speech survey of college students ranks top campuses for expression, FIRE, <https://www.thefire.org/news/largest-ever-free-speech-survey-college-students-ranks-top-campus-expre-ssion>

⁵ “Microphone shutdown rankles KSU students at Charlie Kirk tabling event,” Kansas Informer, <https://kaninfo.com/news/microphone-shutdown-rankles-ksu-students-at-charlie-kirk-tabling-event/>

In summary, this bill attempts to solve a problem affecting our colleges and universities and makes it worse through hyper-partisan framing and discriminatory solutions. For these reasons, Mainstream opposes SB419 and we urge this committee to vote no.

Thank you,

Laurel Burchfield, Mainstream Coalition