



Kansas SB 419

Senate Committee on Education

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Alliance Defending Freedom (ADF) is the world’s leading nonprofit legal organization that advocates for religious liberty, free speech, life, and the family. We regularly analyze proposed laws and their effects on constitutional freedoms, and we litigate to protect such freedoms across the country and at the U.S. Supreme Court. We have represented many young students and student clubs whose First Amendment rights have been violated in public institutions of higher education.

Public colleges and universities are meant to be free and open to the exchange of ideas— a place where our future teachers, lawyers, doctors, judges, community leaders, and voters can exercise their constitutionally protected freedom of speech. Unfortunately, university policies that unduly limit when and where students can speak, what they can say, and whom they can associate with are teaching tomorrow’s leaders all the wrong lessons about the First Amendment.

State legislators have a vested interest in ensuring that taxpayer-funded universities demonstrate the First Amendment values that make our nation great. This bill helps ensure that public universities remain places where intellectual diversity flourishes and all students can engage in the exchange of ideas rather than being censored.

The Forming Open and Robust University Minds (FORUM) Act, SB 419, ensures that public postsecondary educational institutions may not ban students from engaging in expressive activity on campus, so long as the student’s conduct is lawful and does not disrupt the functioning of the institution. SB 419 also bans the creation of “free speech zones” or the designation of outdoor areas on campus where expressive activities are prohibited. The bill also clarifies that any “reasonable time, place, and manner” restrictions to speech or expression must be published and be enforced in a viewpoint-neutral manner, and not directed toward a specific student or group.

25 states have passed similar legislation protecting student free speech on campus, including Oklahoma, Arkansas, Missouri, and Iowa. College students do not lose their constitutional rights to freedom of speech and expression when they set foot onto a university campus. Schools must respect the First Amendment rights of all students, regardless of their political or religious beliefs, and foster a learning environment where students can freely engage in the marketplace of ideas.