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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Timothy R. Graham  
Director of Government Relations & Legislative Affairs  
Oral Testimony – **Oppose**  
Senate Bill 421  
Senate Committee on Education  
February 4, 2026

Chairperson Erickson, members of the Committee:

**Thank you for the opportunity to testify in opposition to SB 421.**

Kansas NEA is a member-driven organization representing nearly 22,000 educators across the state of Kansas. Our members are organized into more than 275 local associations and work in schools and communities across nearly all 105 Kansas counties, serving students in urban, suburban, and rural districts alike.

The positions we advocate for are proposed, debated, and adopted by hundreds of educators selected by their peers to attend our annual Representative Assembly, reflecting the collective voice of education professionals of all political parties, beliefs, and backgrounds who are united by a commitment to Kansas public schools and the students they serve.

**Resolution B-3-1, as reflected in the Kansas NEA Book of Resolutions, states:**

*Kansas NEA believes that academic freedom is essential to the teaching profession. Academic and literary freedom include the rights of teachers and learners to explore and discuss divergent points of view. Literary freedom includes the right of educators, especially librarians, to purchase and display books by diverse authors concerning a broad range of stories, politics, viewpoints, and content. Contentious issues should be a part of the instructional program when, in the judgment of the professional staff, the issues are appropriate to the curriculum and to the maturity level of the student. An educator shall not be fired, transferred, or removed from his or her position for refusing to suppress the free expression rights of students.*

**Resolution D-3-2, as reflected in the Kansas NEA Book of Resolutions, states:**

*Kansas NEA believes that, regardless of race, color, national origin, immigration/citizenship status, religious beliefs, residence, socio-economic status, disability, political activities, extracurricular activities, age, marital status, family relationship, gender, sexual orientation, gender identity, or gender expression, every student is entitled to civil and constitutional rights.*

**Kansas NEA's Commitment to Free Speech and Student Expression**

Kansas NEA's support for student free speech and freedom of expression is clear and long-standing. Many of the principles reflected in this bill are values our members already support and work to uphold in Kansas classrooms.

Our opposition to SB 421 is not about intent. It is about how this bill is written and what it would change in practice.

### **Much of This Bill Restates What Already Exists in Law**

Much of SB 421 attempts to restate student speech protections that already exist under current law. Schools already operate within established standards that protect student expression while allowing reasonable limits to maintain order and support learning.

Codifying those standards in statute risks creating confusion instead of clarity, particularly for educators and administrators navigating complex, fact-specific situations.

### **Impact on Classroom Judgment and Professional Discretion**

Educators rely on professional judgment every day to manage classrooms, guide instruction, and make real-time decisions about relevance, timing, and appropriateness. Those decisions are shaped by student needs, instructional goals, and the responsibility to maintain a productive learning environment.

SB 421 increases the legal stakes around those everyday judgment calls. The bill creates a private cause of action allowing students or student organizations to sue schools and authorizes damages of at least \$5,000 per violation if a violation is found. While any lawsuit would be directed at a school district, educators understand that the practical consequences extend into classrooms.

As legal exposure increases, districts are more likely to respond with heightened scrutiny, tighter controls, and more rigid guidance. That pressure often leads to defensive decision-making by educators who are trying to do their jobs responsibly. Rather than providing clarity, this structure creates uncertainty for teachers and administrators who are already working to balance student expression with effective instruction.

### **Closing**

Kansas NEA believes student free speech and freedom of expression are important and should continue to be protected in Kansas public schools. Our concerns with SB 421 are focused on how this bill is structured and the consequences it creates for educators and schools.

**Thank you again for the opportunity to testify in opposition to SB 421.**