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MEMORANDUM

To: Senate Committee on Education
From: Office of Revisor of Statutes
Date: February 4, 2026
Subject: SB 421—SPEAKS Act

Senate Bill 421 would enact the safeguarding personal expression at K-12 schools act, or SPEAKS act, to statutorily authorize students and student clubs or organizations to engage in certain speech or expression at school and provide a civil cause of action for violations of the act.

SB 421 subsection (a) would enact the SPEAKS act and subsection (b) would provide definitions for relevant terms used throughout the act, including "school" and "student."

Subsection (c) would provide that no student shall be discriminated against or penalized by a school for:

- Engaging in religious, political or ideological speech or expressing a religious, political or ideological viewpoint in the same time, place and manner and to the same extent as other students; and
- Expressing a religious, political or ideological viewpoint in a homework assignment, artwork, presentation or other assignment. Student work would be assessed by ordinary academic standards and against other pedagogical concerns identified by the school.

Subsection (d) would allow students to engage in protected speech or expression at school, including:

- Expressing a religious, political or ideological viewpoint on a topic of discussion or study in class;

- Expressing a religious, political or ideological viewpoint in a homework assignment, artwork, presentation or other written or oral assignment;
- Organizing religious, political or ideological gatherings before, during or after the school day to the same extent and with the same access to school facilities as other student-initiated gatherings;
- Organizing religious, political or ideological clubs or organizations to the same extent and with the same access to school facilities as other student-organized clubs or organizations; and
- Wearing clothing, accessories and jewelry that display religious, political or ideological messages or symbols in the same manner and to the same extent that other students are permitted to do so.

Subsection (e) would authorize students to organize religious, political or ideological clubs or organizations, which would have the same authorization and access as any other student club or organization. This subsection would also provide that no school shall discriminate against a student club or organization because of the religious, political or ideological viewpoints of the club or organization or any requirement that the members or leaders of the club or organization affirm and adhere to sincerely held beliefs, comply with certain standards or further the mission or purpose of the club or organization.

Subsection (g) would authorize any student or student club or organization that is harmed by a violation of this act to bring a cause of action against the school for declaratory and injunctive relief, monetary damages, attorney fees and any other appropriate relief. If a court finds a violation, it may award damages in an amount of at least \$5,000 for each violation. No action may be brought more than two years after the day the violation occurred.

SB 421 would take effect on July 1, 2026, upon publication in the statute book.