

Legislative Testimony

In **Opposition** to Senate Bill 421
Senate Committee on Education
February 4, 2026

Written-Only Testimony

Chairwoman Erickson and Members of the Committee:

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I am writing in opposition to Senate Bill 421.

While the ACLU of Kansas believes in free speech for all Kansans and appreciates the spirit of the bill, we oppose the creation of new causes of action that are poorly defined. SB 421 would create a statutory cause of action against the schools with no explanation of protections for faculty and staff. While we recognize the harm speech can impose on other speech, we believe that creating such a cause of action is likely to chill more speech than it encourages. Any constitutionally-sound version of this cause of action would have to require intent and notice before a counterprotest could be the subject of a suit against individuals—provisions this bill does not appear to include. Moreover, (e)(2), which permits discrimination, is inconsistent with (f)(2), which says speech can be regulated if it is “unwelcome” or “offensive.” Legislating speech using vague, subjective definitions is a recipe for disaster that sets unclear expectations with costly repercussions.

On behalf of the ACLU of Kansas, I encourage the members of this committee to oppose Senate Bill 421.

Logan DeMond
Director of Policy and Research