



Kansas Family Voice Testimony in Support of S.B. 421
Brittany Jones
Senate Education Committee
February 4, 2026

Chairwoman Erickson and members of the committee, my name is Brittany Jones. I am an attorney and the President of Kansas Family Voice. We represent thousands of members in Kansas who are concerned about the threat to free speech in schools.

Kansas Family Voice believes that the freedom to believe and the freedom to speak is fundamental to the fabric of our nation. This freedom is the basis for the other rights we enjoy. Unfortunately, the right to speak is under attack in some schools around our state. That is why we support S.B. 421, the Safeguarding Personal Expression at K-12 Schools (SPEAKS Act).

S.B. 421 creates the “Safeguarding Personal Expression at K-12 Schools Act,” protecting students’ ability to engage in religious, political, and ideological expression in Kansas K-12 schools and creates a remedy if those rights are violated. It affirms and protects student free expression in K-12 public schools and ensures student clubs and organizations can operate according to their mission, beliefs, and membership standards.

Students may express religious, political, or ideological viewpoints in class assignments, discussions, and school events. Schools may not discriminate against expression based on viewpoint. Student clubs may require leaders or members to adhere to the club’s mission or beliefs.

While, “[i]t can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,”¹ in K-12 education, where students are minors, Courts are more permissive of school time, place, and manner restrictions than they are in the college setting. The bill does not protect speech that is unlawful, disruptive, or violates other established school policies.

According to current caselaw, schools may restrict student speech only if it materially and substantially disrupts school operations or infringes on the rights of others.² K-12 schools have much more discretion to prohibit speech that is lewd, vulgar, offensive, or about drugs.³ Schools can regulate their own speech such as newspapers, assemblies, or performances.⁴

¹ *Tinker v. Des Moines Indep.t Sch. Dist.*, 393 U.S. 503, 506 (1969).

² *Id.*

³ *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986); *Morse v. Frederick*, 551 U.S. 393 (2007)

⁴ *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988).



Generally speaking, students have the right to express religious, political or ideological beliefs, wear symbols of their beliefs, pray, and form student groups. Like college campuses, viewpoint discrimination is forbidden, even in K-12. However, K-12 have more ability to regulate disruptive speech, lewd speech, vulgar speech, true threats, harassment, or bullying than colleges do. Like college they cannot suppress it simply because it's unpopular, political, or religious.

Courts are increasingly protecting religious expression in assignments and clubs.⁵ Courts seem to be reinforcing that viewpoint neutrality is mandatory. School policies need to be content-neutral, narrowly tailored, and consistently applied.

SPEAKS puts these legal precedents into Kansas statute ensuring that students, administrators, and parents know what to expect in the K-12 context and give them recourse if their rights are violated. It gives students reassurance that their viewpoints and speech will be respected while ensuring administrators can control the school environment. It protects favored and disfavored beliefs alike.

We know of situations in Kansas in which students have not been allowed to express their religious or political beliefs. There may be even more who did not come forward. SPEAKS sets a standard for every school to follow while ensuring that students do not violate the rights of others or disrupt the school.

We encourage the committee to protect students' First Amendment rights and pass S.B. 421 out favorably for passage.

Thank you!

⁵ *Id.*