



Kansas SB 421

Senate Committee on Education

Written Testimony of Sara Beth Nolan

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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 have represented many young students and student clubs whose First Amendment rights have been violated in public schools across the country.

Most recently, ADF asked the U.S. Supreme Court to hear the case of an Indiana high school pro-life organization that was censored when they hung their poster showing a picture of students holding signs that read, "Defund Planned Parenthood." The poster was in the designated area with the other student club flyers, yet school officials claimed it was "too political," removed it, and then revoked the club's campus recognition altogether.

Students should be able to participate in their educational experience on the same terms as their classmates without fear of discrimination based on their constitutionally protected speech. This bill strengthens fairness rather than favoring a particular viewpoint or political perspective, protecting the First Amendment rights of all.

Students who engage in civil discourse become better citizens, leaders, and community members. Allowing respectful expression teaches citizenship, critical thinking, and civil discourse — skills most would agree are urgently needed.

The U.S. Supreme Court has repeatedly upheld the First Amendment rights of K-12 students. The Court has affirmed that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969). Students "may express their opinions.... If they do so without materially and substantially interfering with the requirements of appropriate discipline in the operation of the school." *Id.* at 513. A school cannot "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943). This bill simply aligns state policy with long-standing U.S. Supreme Court precedent.

SB 421 protects a student from discrimination based on religious, political, or ideological speech or expression. This includes protecting a student's right to (1) express a viewpoint on a relevant topic during discussion or study inside of class; (2)



express a viewpoint in homework or class assignments and be evaluated by ordinary academic standards; (3) organize a club or gathering led by students and have the same privileges as other clubs on campus; and (4) wear clothing or jewelry that displays a message to the same extent other messages are allowed. This bill does not protect speech that is not covered by the First Amendment, including true threats, lewd speech, bullying and harassment, amongst others.

It is important that students learn, from a young age, what respectful dialogue and debate look like. By protecting everyone's speech, we give schools a fresh start and hit the "reset" button.