

**SENATE BILL No. 419**

By Committee on Education

1-28

1 AN ACT concerning education; relating to postsecondary educational  
2 institutions; enacting the Kansas intellectual rights and knowledge act;  
3 providing a civil cause of action and penalties for violations of such  
4 act; authorizing students and student associations to exercise political  
5 and ideological beliefs, values and missions; amending K.S.A. 60-  
6 5311, 60-5312 and 60-5313 and repealing the existing sections.

7  
8 WHEREAS, Charlie Kirk was a courageous American whose life was  
9 tragically and unjustly cut short in an act of political violence on  
10 September 10, 2025, at Utah Valley University; and

11 WHEREAS, In 2012, Charlie Kirk, at 18 years old, founded Turning  
12 Point USA, a student movement with the mission to "identify, educate,  
13 train, and organize students to promote the principles of fiscal  
14 responsibility, free markets and limited government"; and

15 WHEREAS, Charlie Kirk was a devoted Christian who boldly lived out  
16 his faith with conviction, courage and compassion and used his platform to  
17 encourage the free exchange of ideas, respectfully engaging in public  
18 debates on college campuses across America, including on college  
19 campuses in Kansas, as well as at foreign universities like Oxford; and

20 WHEREAS, Charlie Kirk embodied the principles of the First  
21 Amendment of the Constitution of the United States by exercising his  
22 God-given right to speak freely and challenge prevailing narratives, and he  
23 did so with honor, courage and respect for his fellow Americans, serving  
24 as a role model for young Americans across the political spectrum; and

25 WHEREAS, The assassination of Charlie Kirk was not only a heinous  
26 act of violence but a sobering reminder of the growing threat posed by  
27 political extremism and violence in our society; and

28 WHEREAS, Such acts of politically motivated violence are antithetical  
29 to the principles of our nation, where differences of opinion are not to be  
30 silenced but are to be debated with civility, reason and mutual respect; and

31 WHEREAS, Leaders at every level, including government, education,  
32 media and beyond, must stand united in unequivocal condemnation of  
33 political violence, regardless of ideology; and

34 WHEREAS, The tragic loss of Charlie Kirk should serve as a turning  
35 point to recommit ourselves to the timeless American principles of liberty  
36 governed by truth and the virtues of peaceful dialogue; and

1 WHEREAS, The First Amendment of the United States Constitution  
2 protects the rights of freedom of speech, freedom of the press, freedom of  
3 religion, freedom of association and to petition the Government for all  
4 citizens; and

5 WHEREAS, The Supreme Court has called public universities,  
6 "peculiarly the marketplace of ideas," Healy v. James, 408 U.S. 169, 180  
7 (1972), where young adults learn to exercise these constitutional rights  
8 necessary to participate in our system of government and to tolerate others'  
9 exercise of the same rights. There is "no room for the view that...First  
10 Amendment protections should apply with less force on college campuses  
11 than in the community at large," Healy, 408 U.S. at 180; and

12 WHEREAS, College campuses should be bastions of intellectual  
13 diversity, open debate and the free exchange of ideas, regardless of  
14 political or ideological affiliation; and

15 WHEREAS, While speaking at Kansas State University on September  
16 13, 2024, Charlie Kirk's microphone was turned off while he was still  
17 answering student questions, forcing him to continue his event by  
18 dangerously walking into the crowd; and

19 WHEREAS, In 2022, the University of Kansas School of Law  
20 attempted to suppress speakers for a student association based merely on  
21 the viewpoint of the speakers invited on campus; and

22 WHEREAS, The legislature finds that public universities in this state  
23 are failing to provide adequate safeguards for the First Amendment rights  
24 of students, leading to a stifling of expression on campus; and

25 WHEREAS, The legislature condemns the politically motivated death  
26 of Charlie Kirk, all politically motivated violence and those who celebrate  
27 such violence; and

28 WHEREAS, The legislature extends its condolences to Erika Kirk,  
29 their two young children, the entire Kirk family and Turning Point USA  
30 and all its subsidiaries in the loss of their husband, father, family member  
31 and organizational leader; and

32 WHEREAS, The legislature has determined that a significant amount  
33 of taxpayer dollars is appropriated to public institutions of higher  
34 education each year and as such, this legislature must ensure that all public  
35 institutions of higher education receiving state funds recognize freedom of  
36 speech as a fundamental right for all.

37 Now, therefore:

38 *Be it enacted by the Legislature of the State of Kansas:*

39 New Section 1. (a) This section shall be known and may be cited as  
40 the Kansas intellectual rights and knowledge act or KIRK act.

41 (b) As used in the KIRK act:

42 (1) "Benefit" means recognition, registration, the use of  
43 postsecondary educational institution facilities for meetings or speaking

1 purposes, use of channels of communication and funding sources that are  
2 otherwise available to student associations at the postsecondary  
3 educational institution.

4 (2) "Campus community" means students, administrators, faculty and  
5 staff of a postsecondary educational institution. "Campus community"  
6 includes invited guests of such students, administrators, faculty and staff.

7 (3) "Expressive activity" means lawful verbal, written, audio-visual  
8 or electronic means by which individuals may communicate ideas to one  
9 another. "Expressive activity" includes, but is not limited to, peaceful  
10 assembly, protests, speeches, guest speaker presentations, distribution of  
11 literature, holding signs and circulating petitions.

12 (4) "Harassment" means expression that is unwelcome and so severe,  
13 pervasive and subjectively and objectively offensive that a student is  
14 effectively denied equal access to educational opportunities or benefits  
15 provided by the postsecondary educational institution.

16 (5) (A) "Materially and substantially disrupt" means when an  
17 individual, with the intent to do so or has knowledge of doing so,  
18 significantly hinders another individual or group of individuals from  
19 expressive activity, prevents communication of a message or transaction of  
20 business of a lawful meeting, gathering or procession by:

21 (i) Engaging in fighting, violence or other unlawful behavior; or  
22 (ii) physically blocking or using threats of violence to prevent any  
23 individual from attending, hearing, viewing or otherwise participating in  
24 an expressive activity.

25 (B) "Materially or substantially disrupt" does not include isolated,  
26 minor, brief or fleeting nonviolent disruptions of events or conduct that is  
27 protected under the First Amendment of the United States Constitution or  
28 the Constitution of the State of Kansas, including, but not limited to,  
29 lawful protests in outdoor areas of campus that are generally accessible to  
30 members of the public unless reserved in advance.

31 (6) "Outdoor areas of campus" means the generally accessible outside  
32 areas of the campus of a postsecondary educational institution where  
33 members of the campus community are commonly allowed. "Outdoor  
34 areas of campus" includes, but is not limited to, grassy areas, walkways or  
35 other similar common areas. "Outdoor areas of campus" does not include  
36 outdoor areas where public access is restricted.

37 (7) "Postsecondary educational institution" means the same as  
38 defined in K.S.A. 74-3201b, and amendments thereto.

39 (8) "Student" means any individual who is enrolled full time or part  
40 time in a postsecondary educational institution.

41 (9) "Student association" means an officially recognized group at a  
42 postsecondary educational institution or group seeking official recognition  
43 that is comprised of admitted students and receives or is seeking to

1 receive benefits through the postsecondary educational institution.

2 (c) (1) Expressive activities are hereby deemed protected and outdoor  
3 areas of campus are hereby deemed public forums for the campus  
4 community to engage in expressive activities. Postsecondary educational  
5 institutions shall not create free speech zones or other designated areas of  
6 campus outside of which expressive activities are prohibited.

7 (2) Postsecondary educational institutions may maintain and enforce  
8 reasonable time, place and manner restrictions narrowly tailored in service  
9 of a significant institutional interest only when such restrictions are clear,  
10 the contents are published and viewpoint-neutral and provide ample  
11 alternative means of expression. Any such restrictions shall allow for the  
12 campus community to spontaneously and contemporaneously assemble or  
13 distribute literature.

14 (3) Nothing in this subsection shall be construed as limiting the right  
15 of student expression in campus spaces that are not outdoor areas of  
16 campus.

17 (d) (1) Any individual who wishes to engage in non-commercial  
18 expressive activity on campus shall be permitted to do so freely, so long as  
19 the individual's conduct is lawful and does not materially and substantially  
20 disrupt the functioning of the postsecondary educational institution.

21 (2) Postsecondary educational institutions may charge security fees to  
22 a student or student association as part of an application for any expressive  
23 activity that requires a permit, except that no postsecondary educational  
24 institution may charge security fees based on the content of the expressive  
25 activity of the student, student association, an invited guest or anticipated  
26 reaction to the expressive activity of such student, student association or  
27 invited guest. The requirement or amount of any such security fee shall  
28 only be determined on the basis of content-neutral and viewpoint-neutral  
29 criteria, including, but not limited to, the location of the activity, the  
30 anticipated size of the audience and whether alcohol will be served. Each  
31 postsecondary educational institution shall publish the criteria that such  
32 institution used for assessing such security fee.

33 (3) Nothing in this subsection shall be construed to:

34 (A) Prevent postsecondary educational institutions from maintaining  
35 and enforcing reasonable time, place and manner restrictions on expressive  
36 activity if such restrictions are:

37 (i) Narrowly tailored to serve a significant institutional interest;

38 (ii) employ clear, published, content-neutral and viewpoint-neutral  
39 criteria; and

40 (iii) allow the campus community to spontaneously and  
41 contemporaneously assemble, speak or distribute literature;

42 (B) prevent postsecondary educational institutions from prohibiting,  
43 limiting or restricting expression not protected by the First Amendment of

1 the Constitution of the United States or prohibiting harassment; or

2 (C) enable individuals to engage in conduct that intentionally,  
3 materially and substantially disrupts another individual's expressive  
4 activity if such activity is occurring in a campus space that is reserved for  
5 such activity under the exclusive use or control of such individual, student  
6 or student association.

7 (e) Each postsecondary educational institution shall:

8 (1) Publish on its website and in any handbooks and orientation  
9 programs, such institution's policies, regulations or expectations of  
10 students regarding free expression on campus;

11 (2) develop materials, programs and procedures to ensure that any  
12 individual who is responsible for student discipline or education,  
13 including, but not limited to, administrators, campus police officers,  
14 residence life officials and professors, understand the policies, regulations  
15 and duties of the postsecondary educational institution regarding free  
16 expression on campus; and

17 (3) (A) annually submit a report to the governor and the legislature  
18 on or before the first day of the regular legislative session that includes:

19 (i) The course of action implemented to comply with the  
20 requirements of this act, including any changes or updates to such course  
21 of action;

22 (ii) a description of any barriers to or incidents of disruptions of  
23 expressive activity on campus, including, but not limited to, attempts to  
24 block or prohibit speakers and investigations into any speech by students  
25 or student associations. Such description shall include the nature of each  
26 barrier or incident and any disciplinary action taken against the campus  
27 community determined to be responsible for such barrier or incident, but  
28 such description shall keep confidential any personally identifiable  
29 information of each student involved; and

30 (iii) any other information that the postsecondary educational  
31 institution deems valuable for the public to evaluate whether free  
32 expression rights of all members of the campus community have been  
33 equally protected and enforced as provided in this act.

34 (B) The report shall be accessible from the postsecondary educational  
35 institution's website home page by use of not more than three links,  
36 searchable by keywords and phrases and accessible to the public without  
37 requiring registration or use of a username, password or other  
38 identification measures.

39 (C) If a postsecondary educational institution has been sued for an  
40 alleged violation of First Amendment rights, such institution shall submit a  
41 supplementary report to the governor and the legislature that includes a  
42 copy of the complaint or any amended complaint within 30 days of  
43 receiving notice that such complaint has been filed.

1 (f) (1) The attorney general or any individual whose expressive rights  
2 were violated through violation of this act may bring an action against a  
3 postsecondary educational institution and any agent of such institution  
4 acting in an official capacity in a court of competent jurisdiction to enjoin  
5 a violation of this act and recover damages, reasonable court costs and  
6 attorney fees. If the court finds a violation of this act in an action brought  
7 under this subsection, the court shall award the aggrieved individuals  
8 damages in an amount of not less than \$500 for the initial violation and  
9 \$50 for each day that such violation continues. The damages shall begin  
10 accruing the day immediately after the complaint is served on the  
11 postsecondary educational institution. If there are violations that harm  
12 multiple individuals, the court shall divide the damages equitably.

13 (2) Each day that the violation continues and each day that a policy in  
14 violation of this act remains in effect shall constitute a new day of the  
15 violation.

16 (g) A postsecondary educational institution that violates this act is not  
17 immune from suit or liability for such violation.

18 (h) The provisions of this act are severable. If any portion of the act is  
19 declared unconstitutional or invalid, or the application of any portion of  
20 the act to any person or circumstance is held unconstitutional or invalid,  
21 the invalidity shall not affect other portions of the act that can be given  
22 effect without the invalid portion or application, and the applicability of  
23 such other portions of the act to any person or circumstance shall remain  
24 valid and enforceable.

25 Sec. 2. K.S.A. 60-5311 is hereby amended to read as follows: 60-  
26 5311. As used in K.S.A. 60-5311 through 60-5313, and amendments  
27 thereto:

28 (a) "Benefit" means the following:

29 (1) Recognition;

30 (2) registration;

31 (3) the use of facilities of the postsecondary educational institution  
32 for meetings or speaking purposes;

33 (4) the use of channels of communication of the postsecondary  
34 educational institution; and

35 (5) funding sources that are otherwise available to other student  
36 associations in the postsecondary educational institution.

37 (b) "Postsecondary educational institution" ~~shall have the same~~  
38 ~~meaning as that term is~~ *means the same as* defined in K.S.A. 74-3201b,  
39 and amendments thereto.

40 (c) "Student" means ~~any person~~ *individual* who is enrolled ~~on a full-~~  
41 ~~time or part-time basis~~ *full time or part time* in a postsecondary  
42 educational institution.

43 (d) ~~"Religious Student association" means an association of students~~

1 ~~organized around shared religious beliefs~~ *the same as defined in section 1,*  
2 *and amendments thereto.*

3 Sec. 3. K.S.A. 60-5312 is hereby amended to read as follows: 60-  
4 5312. No postsecondary educational institution may take any action or  
5 enforce any policy that would deny a religious, *political or ideological*  
6 student association any benefit available to any other student association,  
7 or discriminate against a religious, *political or ideological* student  
8 association with respect to such benefit, based on such association's  
9 requirement that the leaders or members of such association:

10 (a) Adhere to the association's sincerely held religious, *political or*  
11 *ideological* beliefs, *values or mission*;

12 (b) comply with the association's sincerely held religious, *political or*  
13 *ideological* beliefs, *values or mission*;

14 (c) comply with the association's sincere ~~religious~~ standards of  
15 conduct; or

16 (d) be committed to furthering the association's ~~religious~~ missions, ~~as~~  
17 ~~such~~ *or purposes, including any* religious, *political or ideological* beliefs  
18 *or values*, observance requirements, standards of conduct or missions ~~are~~  
19 *as defined by the* religious student association, ~~or the religion on which the~~  
20 ~~association is based.~~

21 Sec. 4. K.S.A. 60-5313 is hereby amended to read as follows: 60-  
22 5313. Any student or ~~religious~~ student association aggrieved by a violation  
23 of K.S.A. 60-5312, and amendments thereto, may bring a cause of action  
24 against the postsecondary educational institution for such violation and  
25 seek appropriate relief, including, but not limited to, monetary damages.  
26 Any student or ~~religious~~ student association aggrieved by a violation of  
27 K.S.A. 60-5312, and amendments thereto, also may assert such violation  
28 as a defense or counterclaim in any civil or administrative proceedings  
29 brought against such student or ~~religious~~ student association.

30 Sec. 5. K.S.A. 60-5311, 60-5312 and 60-5313 are hereby repealed.

31 Sec. 6. This act shall take effect and be in force from and after its  
32 publication in the statute book.