

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 421

As Recommended by Senate Committee on
Education

Brief*

SB 421 would establish the Safeguarding Personal Expression at K-12 Schools Act (SPEAKS Act). The bill would place restrictions upon schools, authorize students to engage in protected speech, and prohibit discrimination against student groups, clubs, or organizations based on viewpoint or belief-based membership or leadership requirements. The bill would also establish a private cause of action for violations, authorizing monetary and equitable relief.

Student Speech and Expression

The bill would authorize students to engage in protected speech or expression at school such as, but not limited to:

- 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 access to school facilities as other student-initiated gatherings;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Organizing religious, political, or ideological clubs or organizations to the same extent and 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 extent that other students are permitted to wear and display such items.

The bill would authorize one or more students to organize religious, political, or ideological student clubs or organizations.

Restrictions on Schools

The bill would prohibit a school, defined as any school operated by a school district, from discriminating against or penalizing students for:

- Engaging in religious, political, or ideological speech;
- Expressing religious, political, or ideological viewpoints in the same time, place, and manner and to the same extent as other similarly situated students may engage in speech or express viewpoints at school; or
- Expressing a religious, political or ideological viewpoint in:
 - Homework assignments;
 - Artwork;
 - Presentations; or
 - Other written or oral assignments.

[*Note:* The bill would require that all student work be assessed using ordinary academic standards and against other legitimate pedagogical concerns identified by the school.]

The bill would also prohibit school districts from discriminating against any student club or organization because of:

- The religious, political, or ideological viewpoints expressed by the students, club, or organization; or
- Any requirement that the leaders or members of a club or organization:
 - Affirm and adhere to sincerely held beliefs of the club or organization;
 - Comply with standards of conduct of the club or organization; or
 - Further the mission or purpose of the club or organization as determined by the club or organization.

The bill would state that nothing in the SPEAKS Act would be construed as preventing a school from prohibiting, limiting, or restricting:

- Expression not protected by the First Amendment to the *U.S. Constitution*, including, but not limited to, threats, obscenity, and expression intended to provoke and produce imminent lawless action;
- Expression that is unwelcome and so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to the educational opportunities or benefits provided by the school; or

- Conduct that intentionally, materially, and substantially disrupts the operations of the school or the expressive activity of another individual, if the activity is occurring in a space reserved for such activity by a particular student, club, organization, or group of students.

Enforcement

Any student, student club, or student organization harmed by a violation of the SPEAKS Act or whose rights under the SPEAKS Act are violated would be able to seek declaratory and injunctive relief, monetary damages, reasonable attorney fees, and any other appropriate relief from the school. If a court finds that a violation of the SPEAKS Act has occurred, the bill would authorize the court to award damages in an amount of at least \$5,000 for each violation.

The bill would prohibit any cause of action from being brought more than two years after the day the violation occurred. However, each day a violation persists or a policy in violation of the SPEAKS Act remains in effect would constitute a new day for purposes of determining when a cause of action is created.

The bill would also authorize a student, student club, or student organization aggrieved by a violation of the SPEAKS Act to assert the violation as a defense or counterclaim in any disciplinary action or civil or administrative proceeding brought against the student or student club or organization.

The bill would state that nothing in the SPEAKS Act shall be construed to limit any other remedies available to a student, student club, or student organization under law and that no school would be immune from liability in a civil action arising from the violation of the SPEAKS Act.

Severability

The bill contains a severability clause specifying that, if any portion of the SPEAKS Act or its application is held unconstitutional or invalid, the remaining provisions and applications would remain valid and enforceable.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Masterson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by Senator Masterson, representatives of the Alliance Defending Freedom and Kansas Family Voice, and one private citizen. Proponents generally stated the bill would protect students' rights to engage in religious, political, and ideological speech in K-12 public schools, including in classroom discussions, coursework, student clubs or gatherings, and student attire. They noted the bill reflects First Amendment principles, including limits on unprotected or disruptive speech, and provides a private cause of action to address alleged violations.

Written-only proponent testimony was provided by representatives of 1st Amendment Partnership and the Kansas Catholic Conference.

Opponent testimony was provided by representatives for the Kansas Association of School Boards, Kansas National Education Association, Mainstream Coalition, and United School Administrators. Opponents generally stated the bill could create challenges for schools and staff in balancing student free speech with curricular, behavioral, and safety standards. They expressed concern that the private cause of action, daily accruing violations, and equal-access

requirements could create legal and administrative burdens, lead to defensive decision-making, and interfere with classroom operations.

Written-only opponent testimony was provided by representatives for American Atheists, American Civil Liberties Union of Kansas, Kansas State Parent Teacher Association (PTA), USD 233 (Olathe Public Schools), and two private citizens.

No additional testimony was provided.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, the Department of Education (KSDE) indicates that enactment of the bill would not have a fiscal effect on state aid to school districts or the agency's operations.

The Office of Judicial Administration indicates that the enactment of the bill could increase the number of cases filed in district courts which would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The agency also notes that an increase in cases filed would result in the collection of docket fees for any cases filed. The agency stated that a fiscal effect cannot be estimated.

The Kansas Association of School Boards (KASB) indicates that the enactment of the bill would increase expenditures for school districts for professional development, costs associated with litigation arising from violations, damage awards, and increased liability insurance costs. KASB did not provide a fiscal effect estimate.

Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Education; K-12 education; schools; school districts; students; student organizations; protected speech and expression; SPEAKS Act; Safeguarding Personal Expression at K-12 Schools Act