

# Free speech legislation for Kansas students sparks intense debate

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*The Kansas Senate is considering two Charlie Kirk-inspired bills aimed at protecting student rights to freely express their political and ideological views. (Credit: The University of Kansas)*

Two Charlie Kirk-inspired bills aimed at safeguarding student rights to political and ideological speech are working their way through the Kansas Senate.

Senate Bill 419, or the Kansas Intellectual Rights and Knowledge (KIRK) Act, would codify that outdoor on-campus areas of postsecondary institutions are “public forums for expressive activities,” and that these institutions cannot discriminate against students or student organizations based on their religious, political or ideological beliefs.

Senate Bill 421, the Safeguarding Personal Expression At K-12 Schools Act (SPEAKS) Act, would codify that K-12 schools cannot discriminate against students and student organizations based on those same classes of speech. That protection would also apply to classroom work, course assignments and club activities.

Both laws establish a cause for civil action, and penalties for noncompliance.

Kirk, a conservative activist and media personality, was shot and killed at a speaking engagement at Utah Valley University on Sept. 10. Law enforcement authorities later arrested 22-year-old Tyler Robinson and charged him with Kirk's murder.

The Senate Committee on Education introduced the bills at the end of January, at the request of Senate President Ty Masterson, R-Andover. In a January statement, he said they would be a "priority" in the 2026 session.

At a Wednesday committee hearing, Masterson's policy director Mike Pirner said the bills "are the framework to safeguard the First Amendment for both high school and college students."

"They protect all speech ... They equip educators with guidelines to empower students to exercise those rights in ways that further debate," he said. "My boss would like the committee to obviously advance both and make Kansas forever known as the free speech state."

Conservative Christian students, families, legal organizations and advocacy groups testified in favor of the bills. They argued at the hearing that schools have passed policies hostile to students' free speech rights.

"Schools must respect the First Amendment ... and foster a learning environment where students can freely engage in the marketplace of ideas," said Sarah Beth Nolan, legal counsel for Alliance for Defending Freedom.

Meanwhile, representatives of teacher and school administrator professional groups said that the threat of civil liability in the bills could significantly burden school professionals, and harm teachers' ability to do their jobs.

Other advocacy groups said the language of the bills, and their expansion of religious free speech protections to political and ideological beliefs, show the objective is to protect speech for conservative Christian students and empower them to discriminate against other community members.

"It's just not about freedom of speech," said Moti Rieber, executive director of Kansas Interfaith Action. "It's about freedom of speech without consequences, and ... using state power to force hate speech into public settings ... to the danger of all of our students."

## **The KIRK Act**

The KIRK Act would enact into law that any individual who wants to engage in "expressive activities" in outdoor campus spaces at postsecondary educational institutions "would be permitted to do so freely, as long as the individual's conduct

is lawful and does not materially or substantially disrupt the functioning of the ... institution."

The law would also codify that these institutions cannot deny a religious, political or ideological student association any benefit available to other student associations "based on such association's requirement that the leaders or members adhere to the association's sincerely-held ... beliefs."

These rules would apply to public universities, municipal universities, community colleges and technical colleges.

Civil action could be brought by the attorney general or an individual "whose expressive rights were violated" against a postsecondary institution and its officials, and recover damages, court costs and attorney fees.

A prevailing plaintiff would be entitled to statutory damages of at least \$500 for the initial violation and \$50 for each day the violation continues.

Policies have emerged at universities "that unduly limit when and where students can speak, what they can say and whom they associate with ... teaching tomorrow's leaders all the wrong things about the First Amendment," Nolan said in her testimony supporting the bill.

She added that 25 states, including Oklahoma, Arkansas, Missouri and Iowa, have passed similar legislation protecting student free speech on campus.

Brittany Jones, president of Kansas Family Voice, said her organization also supports the KIRK Act, as "the freedom to believe and the freedom to speak is fundamental to the fabric of our nation."

She added that the bill follows through on a fundamental belief Kirk held, which was that college students should be able to debate and have discussion even when there are strongly held beliefs on both sides.

"We believe that SB 419 restores the ability of students to have this conversation," she said. "It really reaffirms case law in this area, and puts it in our statutes to ensure that Kansas students know that they have these protections so they can engage in respectful debate."

Laurel Burchfield, advocacy director at the Mainstream Coalition, disagreed with Jones' reasoning, calling the KIRK Act "a hyperpartisan and discriminatory approach to protecting free speech on our campuses."

The coalition takes issue with language in the KIRK Act that expands speech protections beyond religious student groups to political and ideological groups, Burchfield

said, and “empowers members of those groups to discriminate against members...[of] protected classes.”

The law would also mandate postsecondary institutions to treat and fund clubs that engage in these discriminatory practices in the same way as all other clubs. Both of these changes would go against current legal precedent, she said.

Rieber said he does not recognize the Charlie Kirk that has been glorified in the KIRK Act, calling him “an avatar of one of the most powerful and dangerous ideologies in America today: white Christian nationalism.”

Sen. Renee Erickson, R-Wichita, asked Burchfield where in the KIRK Act she sees “it is leaning toward one particular political party.”

“I think the preamble speaks to that very directly by having this called the KIRK Act, and citing all of the examples of Charlie Kirk,” Burchfield said.

“I disagree, but we'll leave it there,” Erickson replied.

## **The SPEAKS Act**

Senate Bill 421, the SPEAKS Act, would enshrine that “no student shall be discriminated against or penalized by a school for expressing religious, political or ideological speech or viewpoints in the same time, place and manner as other students.”

The law would also protect students’ ability to express these viewpoints on coursework.

Under the law, schools would not be allowed to discriminate against a student club because of the viewpoints expressed “or any requirements that the leaders or members affirm and adhere to the sincerely held beliefs of the club.”

Any student, club or organization that would be harmed by a violation of the bill’s provisions would have a private cause of action against the school for relief, monetary damages, reasonable attorney fees and any other appropriate relief. If a court finds that a violation occurred, the court would be allowed to award damages of at least \$5,000 for each violation.

Brianne Vinson, the mother of a sixth-grader embroiled in a recent Eureka classroom free speech controversy, testified in favor of the SPEAKS Act.

Vinson said that her daughter and some classmates “were censored for expressing their religious and political views at Marshall Elementary School.”

The incident, and a lack of recourse from administrators and the school board, led

Vinson to withdraw her children from the school. She filed federal discrimination complaints with the U.S. Department of Justice and the U.S. Department of Education.

The SPEAKS Act would “protect future students' rights to express their political and religious viewpoints in the same manner as other students, while giving families legal recourse,” Vinson said.

Nolan also supported Senate Bill 421, arguing that the Supreme Court has upheld First Amendment rights for K-12 students, and “the bill does not protect any speech that is not already covered by the First Amendment.”

Burchfield again disagreed. The bill expands religious speech protections for K-12 students to political and ideological issues, she said, “which ... depreciates the value of religious rights and freedoms and makes it difficult for schools to protect vulnerable students.”

A private cause of action is also “unreasonable, both in the amount and the ability of teachers and staff to navigate between what is protected and prohibited ... speech,” she added.

Jim Karleskint, director of legislative services for United School Administrators of Kansas, said he fears that with Senate Bill 421, “we would get to a point where people are frozen when it comes to making decisions because they’re afraid they would get a ... suit against them, or a claim against them.”

Kansas schools are facing significant need for teachers, principals and superintendents, Karleskint said, and if the SPEAKS Act passes, “we're going to have a whole lot more openings ... It's going to run people off.”

Erickson asked Karleskint what the existing recourse is for parents like Vinson.

“She’s taken the action that she can,” he said. “She's doing what she feels is right, and I can't make any other suggestions for her.”