

Legislative Testimony

In Opposition to HB2460

House Committee on Higher Education Budget

January 31, 2024

| WRITTEN ONLY |

Dear Chairman Sanders and Members of the Committee,

My name is Rashane Hamby and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state. We have significant concerns regarding HB2460 which deals with postsecondary educational institutions and their policies related to diversity, equity, inclusion, and patriotism.

HB2460 will stifle the very principles of diversity, equity, and inclusion that enrich our Kansas educational landscape the following ways:

- **Inhibition of Institutional Autonomy**

This bill significantly restricts the autonomy of educational institutions in determining their own admission and employment policies. By prohibiting schools from considering an applicant's stance on diversity, equity, and inclusion, there is a risk of creating an environment that does not prioritize or value these crucial aspects of education and social development. Educational institutions should have the freedom to cultivate communities that reflect their core values.

- **Negative Impact on Academic Freedom and Freedom of Speech**

While the bill claims not to restrict academic freedom, its implications could indirectly lead to a chilling effect on teaching and research related to topics of diversity, equity, and inclusion. Faculty and students might feel discouraged from exploring or expressing views on these subjects, fearing that it could be misinterpreted as a political stance rather than an academic inquiry. This chilling effect on constitutionally protected speech at public institutions subjects the bill to constitutional scrutiny.

- **Ambiguity and Enforcement Challenges**

The bill's language is ambiguous regarding what constitutes a pledge or statement of allegiance to political ideologies. This ambiguity could lead to inconsistent enforcement and confusion among institutions about how to comply with the law. This ambiguity and confusion in turn raises constitutional issues.

In conclusion, the approach taken by HB2490 is problematic in several key ways. It will stifle the very principles of diversity, equity, and inclusion that enrich our educational landscape and prepare our students for an increasingly diverse and interconnected world. I urge the committee to consider these points and oppose this bill.

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