

I hope this email finds you well. I'm writing on behalf of the Foundation for Individual Rights and Expression ([FIRE](#)), a national nonpartisan nonprofit organization that since 1999 has defended the free speech rights of students and faculty at institutions of higher education across the country. You may remember us for our years of support for a campus free speech bill that culminated in the enactment of SB 40 in 2020, which was sponsored by Senators Brenner and McColley. That bill ensures robust campus free speech protections and this legislature should be proud of that bill.

I am writing because I would like to testify in opposition to HB 151 tomorrow. HB 151 contains several provisions that either violate, or open the door for violations of, the First Amendment. As long as unconstitutional provisions remain in the bill, FIRE will oppose HB 151. We have been in dialogue with Senator Cirino over proposed changes to fix the constitutional problems and are hopeful that changes will be made before the bill advances further.

While there are several provisions I would like to raise in my testimony, FIRE is especially concerned about provisions in HB 151 that ban certain ideas from college classrooms. The language states: "No state institution shall hire any administrator, teacher, staff member, or employee to provide instruction on any of the concepts listed in divisions (D)(1) to (9) of this section."

While regulating what can be taught in K-12 classrooms may pass constitutional muster, for over 60 years the Supreme Court has been clear that, in the context of higher education, the First Amendment does not tolerate laws that "cast a pall of orthodoxy over the classroom." Language that bans any idea from a college classroom cannot be squared with another provision in the bill (which FIRE largely supports) that requires the Boards of Trustees to adopt policies prohibiting college administrations from stifling dissent on "public policy controversies of the day."